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SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, January 8, 2004

DOCUMENTS DEPT.

FEB 17 2004

1:30 3:30 PM

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Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee
COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 3:35 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Jim Nixon – Acting Zoning Administrator; Rick Crawford; Isolde Wilson; Dan Sirois; Ben Fu; Paul Lord; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2003.1141DDDDV (B . FU: (415) 558-6613)
1218 MARIPOSA STREET - north side, between Missouri and Texas Streets; Lot 013 in Assessor's Block 3985, in a RH-2 (Residential, Two-Family House) District with a 40-X Height and Bulk Designation. Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.04.10.2000 to demolish an existing single-family dwelling (the project also proposes the construction of a new single-family dwelling) in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
(Proposed for Continuance to February 12, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 12, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

- 1b. 2003.1141DDDDV (B . FU: (415) 558-6613)
1218 MARIPOSA STREET - north side, between Missouri and Texas Streets; Lot 013 in Assessor's Block 3985, in a RH-2 (Residential, Two-Family House) District with a 40-X Height and Bulk Designation. Three Discretionary Review requests for Building Permit Application No. 2003.04.10.1998 have been filed for the construction of a replacement single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
(Proposed for Continuance to February 12, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to February 12, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd
- 1c. 2003.1141DDDDV (B . FU: (415) 558-6613)
1218 MARIPOSA STREET - north side, between Missouri and Texas Streets; Lot 013 in Assessor's Block 3985, in a RH-2 (Residential, Two-Family House) District with a 40-X Height and Bulk Designation. A front setback Variance is requested to reconstruct an existing garage within the front setback.
(Proposed for Continuance to February 12, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to February 12, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd
2. 2003.1142D (J. PURVIS: (415) 558-6354)
1611 WALLACE AVENUE - south side between 3rd and Keith Streets; Lot 041 in Assessor's Block 5413 - Mandatory Discretionary Review pursuant to 1943 Planning Commission Resolution No. 2797 on the proposed 2-story horizontal rear addition to a single-family dwelling under Building Permit Application No. 2003.08.20.2646. The addition would extend the building by 24 feet in the rear, including 18 feet of interior space and a 6-foot rear deck. The site is in an RH-1 (Residential, House, One-Family) Use District and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to February 12, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to February 12, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd
3. 2003.0873D (G. CABREROS: (415) 558-6169)
2524-2540 ANZA STREET - north side between 16th and 17th Avenues; Lot 023 in Assessor's Block 1528 - Request for Discretionary Review of Building Permit Application No. 2002.12.10.3209, proposing to add a new fourth floor to the existing three-story, four-unit building in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of November 6, 2003)
(Proposed for Continuance to February 19, 2004) February 26, 2004
- SPEAKER(S): None
ACTION: Without hearing, item continued to February 26, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

4. 2003.0700DD (R. CRAWFORD: (415) 558-6358)
565 CLIPPER STREET - south side between Douglass and Diamond Streets, Assessor's Block 6556 Lot 021 - Request for Discretionary Review of Building Permit Application No. 2003.03.07.9076, to construct a new third floor and a three story rear addition to the existing two story single family dwelling in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications.
NOTE: On September 11, 2003 following public testimony the Commission closed the public hearing and continued this item to November 6, 2003 requesting plans from the Project Sponsor.
(Continued from Regular Meeting of November 6, 2003)
(Proposed for Continuance to March 11, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 11, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

5. 2003.0908D (E. TOPE: (415) 558-6316)
461 CHENERY STREET - south side between Roanoke and Mateo Streets; Lot 022 in Assessor's Block 6718 - Mandatory Discretionary Review, pursuant to the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.04.04.1533, proposing to demolish an existing single-family dwelling. A new two-family dwelling unit would be constructed under a separate Building Permit Application, No. 2003.04.04.1536s. The project is located in a RH-2 (House, Two-Family) District and 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.
PROJECT WITHDRAWN

B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption - Draft Minutes of November 20, 2003, and December 4, 2003, (Continued from December 18, 2003).

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

7. Commission Comments/Questions

Commissioner Bell:

Re: Acting Director

- Wished him a happy birthday.

Re: Inauguration of new Mayor

- She is looking forward to working with the new administration.

Re: New Year

- She mentioned that the Commission will continue to work with staff to try to streamline the calendar, making sure people are heard, and that the public gets an opportunity to go home to their families without staying here all night.

Re: Director

- She welcomed the Director of Planning (Gerald Green) at this hearing.

Commissioner Antonini:

Re: Time it Takes to Schedule Cases

- He is concerned that there are projects that are filed and they don't get to the Commission for six months or more.

Commissioner W. Lee:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- Mike Berkowitz, of staff, wrote an editorial.
- He invited Mr. Berkowitz to come to the Commission and discuss the issues stated in the article.

Commissioner Bradford Bell

Re: Article in the Open Forum Section of the San Francisco Chronicle

- If Mr. Berkowitz would like to come before the Commission under Public Comment--fine, but is concerned with scheduling a discussion of a staff person's personal opinion.
- She requested information from Lisa Feldstein, from a union standpoint.

Commissioner Lisa Feldstein:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- She is not prepared to address the labor component of staff appearing before them with regards to comments made in a public forum.

Commissioner Bradford Bell:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- She stated that she would talk to the Director off-line about this.

Commissioner William Lee:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- He would rather debate issues during the Planning Commission hearings and in the public eye.
- He is just suggesting this and will leave it to the vote of the Commission.

Commissioner Bradford Bell:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- She does not want to be involved in issues that should be dealt with by the Planning Director.
- If one member of staff is invited then she invites all staff to come before the Commission and speak during public comment.

Planning Director Responded:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- The same individual of staff filed a grievance so the Planning Commission should be able to deal with the other underlying issues that are related to this opinion.

Commissioner Feldstein:

Re: Article in the Open Forum Section of the San Francisco Chronicle

- She stated, for the record, that she works part time for the labor organization that represents the planner who wrote the article.
- She wants to make it clear that Commissioners are not involved in personnel matters.
- She is not involved in any issues that relate to the planners that they represent.

C. DIRECTOR'S REPORT

8. Director's Announcements

Director Gerald Green stated:

Re: Various

- He is glad to be back.

- He congratulated the new Mayor and District Attorney.

- He is looking forward to working with the new administration.

- Mr. Badiner and he have sat down with the Neighborhood Revitalization and Planning Workshop Group of the Transition Committee. This was a good experience for both of them. He will read the report published by this committee.

- He wished everyone a happy new year.

Acting Director Badiner Stated:

Re: Various

- He looks forward to working with the new administration as well.

- He thanked everyone for their birthday wishes.

Re: Craig Nikitas

- He will be the Acting Zoning Administrator for the next two to four months while Mr. Nixon is out for health reasons.

Re: Housing Element Negative Declaration

- On December 18, he mentioned that this had been recently issued and that because of the holidays, the appeal period was going to close on January 20, 2004. The Department sent the required ad to the Independent Newspaper stating this, but it was never published. He is trying to find out why. As a result, this coming Saturday, there will an add in the Independent Newspaper stating that the appeal period will be extended to 5:00 p.m., January 30, 2004

SPEAKER(S):

Marilyn Amini

- She submitted a letter stating that there were two dates published in the newspaper.
- The date initially given in the Independent Newspaper was consistent with Chapter 31 of the administrative code which sets forth requirements for CEQA.
- The other notification gave a longer period than CEQA requires.
- She contacted Mr. Rick Cooper about this and he mentioned that he would fix that.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

BOS

Monday, January 12, 2004

Land Use Committee

- There will be a presentation on the Eastern Neighborhoods.
- Amendments to the Planning Code and General Plan on Rincon Hill Projects.

Tuesday, January 13, 2004

Board of Supervisors

- 899 North Point – The Commission was going to hear this but wasn't able to because an appeal was filed.

BOA - None

SPEAKER(S):

Jeremy Paul

- Wished the Acting Director a happy birthday.
- Congratulated Craig Nikitas on temporarily being appointed Acting Zoning Administrator.
- On the Board of Appeals report given at the Planning Commission hearing on December 18, 2003, Commissioner Hughes had a questions on a demolition on 8th Avenue. There was a fully new demolition report prepared after the action of the Commission. Mr. Buskovitch prepared the report that was reviewed by Chief Inspector Kornfield who determined that the building was in a dangerous condition. A resolution was reached that met the criteria sought by the department.

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

SPEAKER(S):

Richard Nockles – Toby Long Design*Re: 1127 Filbert Street*

- This project is a merger for a growing family.
- It is located in a three unit per building neighborhood.
- There is no change in the actual number of bedrooms.

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

10. 2003.1027D (M. WOODS; (415) 558- 6315)
1127 FILBERT STREET - south side between Leavenworth and Hyde Streets; Lot 037 in Assessor's Block 0097 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.05.01.3561, proposing to merge one unit on the third floor with a unit on the fourth floor in an existing 4-unit building in an RH-3 (Residential, House, Three-Family) District and 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.

(Continued from Regular Meeting of November 6, 2003)

NOTE: On November 6, 2003, following public testimony, the Commission closed the public hearing and continued the matter to January 8, 2004, by a vote of +4 -0. Commissioners Bradford Bell, Boyd, W. Lee were absent.

SPEAKER(S): None

ACTION: Took Discretionary Review and disapproved the merger.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

D. REGULAR CALENDAR

- 11a. 2002.1290DDDDV (R. CRAWFORD; (415) 558-6358)
949 SANCHEZ STREET – east side between 23rd and 22nd Streets. Assessor's Block 3627 Lot 031A - Request for Discretionary Review of Building Permit Application No. 2002.0718.1767 to construct a new three story one family dwelling on the front portion of

the property in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review, and modify the Building Permit.

SPEAKER(S):

(-) **Paul Mayfield – Discretionary Review Requestor**

- There were four Discretionary Review applications filed.

- He is the spokesperson for all four Discretionary Review requestors.

- If the terms are agreed to and met by the Project Sponsor, the Discretionary Review requestors will withdraw their requests.

(+) **David Silverman – Reuben and Alter – Representing Project Sponsor**

- He can confirm the agreement as described by Mr. Mayfield, he is very pleased that they were able to reach this agreement.

- He is available for questions.

ACTION: Took Discretionary Review and approved the project consistent with the December 8, 2003 drawings.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 11b. 2002.1290DDDDV (R. CRAWFORD: (415) 558-6358)
949 SANCHEZ STREET - East side between 23rd and 22nd Streets. Assessor's Block 3627 Lot 031 Request for a Variance from Planning Code Section 188 to expand a non-complying building, the rear building on the property, located entirely within the required rear yard, so as to increase its degree of noncompliance, in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

SPEAKER(S): Same as those listed for item 11a.

ACTION: Zoning Administrator closed the public hearing and has taken the matter under advisement.

12. 2002.1291DDDD (R. CRAWFORD: (415) 558-6358)
949 SANCHEZ STREET - East side between 23rd and 22nd Streets. Assessor's Block 3627 Lot 031A - Discretionary Review, of Building Permit Application No. 2002.09.04.5569, to modify the existing one family house located at the rear of the property in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review, and modify the Building Permit.

SPEAKER(S): Same as those listed for item 11a.

ACTION: Took Discretionary Review and approved the project consistent with the December 8, 2003 drawings.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

13. 2003.0193D (R. CRAWFORD: (415) 558-6358)
244 GRANADA AVENUE - east side between Ocean and Holloway Avenues in Assessor's Block 6942 Lot 039 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition of Demolition Permit Application No. 2002.10.28.0113, to demolish the existing one family house, in an RH-2 (Residential House, Two Family) District and a 40-X Height and Bulk district. There is a related proposal to construct a new two-family building.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Demolition Permit.

(Continued from Regular Meeting of November 6, 2003)

SPEAKER(S):

William Abend – Project Architect

- He submitted photographs and documents with information on previous approvals from the Planning Commission.

- The only thing that has changed is the valuation of the basement.

- He is available for questions.

(name not understood)

- She is available for questions.

- She hopes that the Commission will approve the demolition.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

14. 2003.1079D (R. CRAWFORD: (415) 558-6358)
3344 MARKET STREET - northeast side between Glendale and Clayton Streets. Assessor's Block 2717 Lot 004F. Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition of Demolition Permit Application No. 2003.06.26.8149, to demolish the existing one family house and construct a new one family house in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review, and approve the Demolition Permit.

(Continued from Regular Meeting of November 6, 2003)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 26, 2004.

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

15. 2003.1249D (I. WILSON: (415) 558-6163)
3715 BALBOA STREET - south side between 38th Avenue and 39th Avenue; Lot 046 in Assessor's Block 1606 - Discretionary Review of Building Permit Application No. 2003.07.17.9708 proposing the change of use of the retail space to Personal Service (beauty salon). The subject property is located in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the Building Permit Application.

SPEAKER(S):

(-) David Chiu, Translator for Joanne Key (Discretionary Review Requestor)

- The permit should be denied because the owner of the business is not Gary Chiu.

- The project sponsor has mentioned that she owns a business but has never presented a physical address.

(+) Gary Chiu – Project Sponsor

- He is the owner of 3715 Balboa Street.

- The business he is opening up is for his girlfriend. Maggie Lee is just a friend of the contractor and she is not in the lease. The lease is under his name.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

16. 2003.0913D (D. SIROIS; (415) 558-6313)

3906 JUDAH STREET - north side of Judah Street, between 44th and 45th Avenues, Lot 016, Assessor's Block 1799--Request for Discretionary Review of Building Permit Application 2003.05.02.3719, that seeks authorization to establish a coffee store (Starbucks) in a vacant commercial space located in an NC-1 (Neighborhood Commercial Cluster) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the change of use.

SPEAKER(S):

(-) Brennan Murphy – Discretionary Review Requestor – Sunset Neighbors for Action

- There have been 4,200 signatures against this project.
- The project sits at the edge of a small commercial zone.
- This would be the first national corporate run store in the area.
- Starbucks signed the agreement without having any sort of community input.
- There is no need to have this type of business here because there are already two independently owned coffee shops.
- Starbucks would also occupy space that could be used for a neighborhood owned retail use.
- Starbucks does not provide any sort of opportunity for resident ownership. Instead of preserving neighborhood retail use it would probably cause the other coffee shops to close.
- The project would also cause traffic problems as well as pedestrian traffic because they plan to have many tables on the sidewalk.
- Starbucks is not a modest coffee retail use.

(-) Nan Radich

- She is a very concerned teacher and resident.
- The Sunset is the City's best kept secret and this Seattle based company will disrupt the peace in the neighborhood.
- The neighborhood cannot hold on to its diversity if Starbucks is allowed.
- The Neighbors of the Sunset are not in support of this project.
- Starbucks did not even have the consideration to speak to the community before signing a contract.

(-) Mary Spoerer

- She lives in the inner sunset and shops there.
- She appreciates the character of the neighborhood. This is why she does not support this project.

(-) Amrah Johnson – Associated Students of CCSF Ocean Campus

- The students of City College are not in support of this project. Many of the students are enrolled in the Restaurant and Hospitality program and one day would like to open their own small businesses.
- Students should have the ability to pursue their dream.

(-) Michael Crotty

- He lives in the Sunset District, one block away from the proposed project.
- He is outraged that Starbucks is trying to destroy the many years of hard work that one of the café's in the neighborhood has tried to obtain.
- If Starbucks opens, it will crush this café as well as other independently owned retail stores.

(-) D.J. Canepa – Assemblyman Leland Yee's Office

- He read a letter dated September 2, 2003, from Leland Yee who is opposed to this chain store. He is in support of independently owned small businesses.

(-) Amanda Janes – Sunset Neighbors for Action

- She lives about five blocks from the proposed site.
- She is opposed to the project.

- Starbucks is a global corporation and a small business owner cannot compete with them.
- Starbucks has stated that if they do not open a coffee shop there, someone else will. Although this might be true, Starbucks would totally impede the opportunity for small entrepreneurs.

(-) Patrick McGuire – Sunset Neighbors for Action

- He was born in the neighborhood and now owns a small business there.
- Even people who do patronize Starbucks, would not like to have a store open there.
- Parking will become a problem because the infrastructure of the location does not support that type of store there.
- It will be more than likely that people will double park and cause problems for the "N" Judah MUNI line.
- If this use is allowed, it will give a "green light" for other chain stores to open and totally change the character of the neighborhood.

(-) Ron Dudum – Westside Democratic Club

- He was born in the neighborhood.
- 4,000 neighborhoods have identified that their neighborhood character is threatened with this project.
- Perhaps another coffee shop can open in the neighborhood but not a nationally owned chain store.

(-) Joel Ventresca –SPEAK

- This project will endanger independently owned businesses.
- This project will violate proposition M.
- Starbucks is the type of company that does not promote fair hiring.

(-) Ralf Lane

- He is a fifth generation San Franciscan.
- He cares about the character of the neighborhood.
- He is the commercial landlord next door to the proposed project.
- Bringing in an international chain is not a lifesaver for more rent in the neighborhood.
- The neighborhood is doing just fine with the small businesses there.

(-) Tess Manola-Ventresca – Coordinator for the Sunset Neighbors for Action

- Starbucks has very little use at this location.
- The independently owned businesses can hire local musicians and singers.

(-) Carlo Grunfeld – Sunset Neighbors for Action

- He is here representing the various people who could not be here.
- There are already several excellent coffee Stores.
- Parking in the avenues is already at full capacity.
- He would like the Commission to take Discretionary Review and disapprove the project.

(-) Nicky Trasviña – Sunset Neighbors for Action

- She was born in San Francisco and through the years she has seen the invasion of chain stores "creeping" into neighborhoods. These have caused small businesses to close and have closed the door on old fashion customer service.
- She is also a member of the Saint Paul's Presbyterian Church, located one block away from the project site. She has found that the neighborhood is made up of working class people that are not the type to go to Starbucks.

(-) Rick Young

- It is very clear how the residents feel. The hearing room is full of people who oppose Starbucks and there have been so many signatures from others who are also against it.
- Would the Commission, if they were residents of the Sunset, open a restaurant if there was going to be a Starbucks?
- The area is better served by not having a Starbucks there.

(-) Bernard Crotty

- He was a member of the Commission on Aging for both Mayors Willie Brown and Frank Jordan.

- He has always had a great working relationship with the neighborhood merchants association.
- He hopes that the Commission will not approve this project and support the small business community of this city.

(-) Stacey McCann

- She was born and raised in the neighborhood.
- The lower sunset is a special community. It remains untouched by commercialism.
- If the City allows these types of businesses in the neighborhood, the community will forever be tarnished.

(-) (name unclear)

- She moved to San Francisco because of its uniqueness and diversity.
- She likes the community feel of the neighborhood because she is from a small town.
- She would like to preserve small businesses in the area.

(-) Barbara Laily

- She lives in the neighborhood and is opposed to the project.
- There are three coffee shops independently owned and there is no need for this type of corporate chain.
- If this project is allowed, it will bring other chain stores, causing other small businesses to close.

(-) Amy Laitinen – Supervisor Gonzalez’s Office

- There is a letter from the Supervisor supporting of the residents of the Sunset. He does not support allowing this type of use in the area.

(-) Lucy Quacinella

- She was lucky enough to buy a home in the Sunset District.
- This area does have a small town feel.
- She urges the Commission to listen to the many eloquent voices that have expressed their opposition.
- The residents also have the right to be listened to so they can preserve the quality of life in their neighborhoods.

(-) Luis Granados – Mission Economic Development Corporation

- He is here to request that the Commission take Discretionary Review and not approve the change of use.
- This project meets all the uses, so the issue is not about that. The issue is about what the community wants and what they want to preserve.
- The Commission needs to decide what they are basing their decision on.
- The Planning staff made a wrong decision.
- The Commission can rectify this mistake and not approve the project.

(+) Tim Tosta – Steefel, Levitt and Weiss – Representing Starbucks

- He gave a PowerPoint type of presentation regarding the aspects of the project.
- The neighborhood has a number of small scale stores and is adjacent to a residential neighborhood.
- The store which Starbuck’s intends to occupy has been vacant for over a year. It is a modest store in character.
- It is not anticipated to have a large number of cars travel to this location. There will be more pedestrian traffic.
- He displayed a map of where other Starbuck’s businesses are near the neighborhood.
- The other smaller coffee shops are a lot larger in square footage than the location where the Starbuck’s is intended.

(+) Ave Montague

- She is a public relations and event manager and founder of the San Francisco Black Film Festival. She resides in the Fillmore District. She cannot speak on the issues of the Sunset District but she can speak about her experience with Starbuck’s in the Fillmore District.

- She organized an event for young people in December but did not have toys or food. She spoke to a representative from Starbucks and was able to receive food and beverages for this event for 300 kids. Starbucks also donated toys for these kids.
- Starbucks also sponsored the Hamilton Family shelter and staged a blanket drive.
- She has been able to receive a lot of support from Starbucks with food, donations, and other volunteer help for many of her fundraising events.

(+) Ryan Dong – Starbucks Coffee Co.

- He has been working for Starbucks for about six years now.
- He read a letter from residents of the Sunset District who were not able to come to the hearing and are in support of Starbucks opening a coffee shop at the proposed location."

(+) Nicole Hauscarriague – CB Richard Ellis, Inc.

- She lives in the Sunset District.
- She did a lot of advertising to lease the space at this location.
- Many of her friends that live in the area go to Starbucks at the 9th and Irving location.
- It is very important to point out that Starbucks is not paying more for the space than any other tenant would have if they had leased the space.

(+) Elizabeth McFarland

- She is the store manager of the Starbucks store located on 9th and Irving.
- She started working for Starbucks nine years ago.

(+) Greg Pree – Starbucks Coffee Company

- Starbucks donates more than seven million dollars in cash annually to support the arts, the environment and other causes.
- Starbucks is a wonderful company that does a lot of good things for the community.

(+) Bill Shamieh – Shamco Investments

- He owns the building where Starbucks is proposed.
- The location was in a very bad condition.
- He spent about \$85,000 dollars to improve the locale.
- The main argument was that the businesses did not want Starbucks there.
- He has a petition from businesses around the area that supports a Starbucks there.

(+) Yoosef Shamieh – Shamco Investments

- He went store to store in the area to survey whether or not people were opposed to a Starbucks coffee store. Most all of them stated that in this difficult economy, they could use the help.

(+) Rami Shamieh

- He went with Yoosef to do this survey.
- Most of the businesses stated that opening a Starbucks would improve the area.

(+) Karen Vance – Starbucks Coffee Company

- She has been with Starbucks since October of 2000.
- Starbucks conducted a phone survey of the residents of the Sunset. The purpose of this survey was to better understand the desires of the Sunset community. It is important for them to know how people feel about Starbucks.
- The majority of those surveyed supported a Starbucks coffee store.
- She read letters from residents of the area who support the proposal.

(+) Mike Tufo – General Contractor

- He is a native San Franciscan.
- One of the things that is unique about Starbucks is the money that they spend in the detailing of their stores and the quality of the products that they present to the public.
- They always conform to the words "qualifications" and "requirements" to the community.
- Once they open a store, they spend a lot of money maintaining it.
- Starbucks also go through a great deal of care to select contractors and work with unions.

(+) Martin Malchow

- He owns the building adjoining the proposed coffee shop.
- He is the closest to the whole project.

- He has no objection to Starbucks going in since it is not a Walmart or a Costco.
- People are still going to patronize the other stores.
- He does not believe that people will double park because the Judah line goes by there about 40 mph.
- Starbucks is a good company. He has not seen a store that has not been clean on the outside and on the inside.

(+) Gina Moreno – Vice President of Starbucks

- They have heard the concerns of the public about the new store opening.
- They have also heard from their customers and potential customers who are very excited about the store opening.
- They are looking forward to working with the Outer Sunset Community and being involved with the local schools, charities and organizations.
- From today's hearing, she has learned that Starbucks needs to do a better job of putting their face forward.

MOTION No. 1: Do not take Discretionary Review and approve project.

AYES: Antonini and Boyd

NAYES: Bradford Bell, Feldstein, Hughes, S. Lee and W. Lee

RESULT: Motion Failed

ACTION: Took Discretionary Review and disapproved the project.

AYES: Bradford Bell, Feldstein, Hughes, S. Lee and W. Lee

NAYES: Antonini and Boyd

17. 2003.1246D (B. FU: (415) 558-6613)
654 CAROLINA STREET - west side, between 19th and 20th Streets; Lot 009 in Assessor's Block 4071 - Request for Discretionary Review of Building Permit Application No. 2003.04.24.2991, proposing to construct a two-story vertical addition to the existing one-story over garage building in an RH-2 (Residential, House, Two-Family) within a 40-X Height and Bulk Designation.
 Preliminary Recommendation: Do not take Discretionary Review and approve the Building Permit Application.

SPEAKER(S): None

ACTION: Discretionary Review Application was withdrawn

18. 2003.0966T (P. LORD: (415) 558-6311)
FORMULA RETAIL USES - Consideration of an Ordinance to amend the Planning Code by adding Section 703.3 and by amending Section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for formula retail use to comply with the notice and design review procedures of Section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential District which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
 (Continued from Regular Meeting of December 18, 2003)

SPEAKER(S):**(+) Amy Laitinen – Supervisor Gonzalez's Office**

- She is glad to know that the Commission is in support of the intent of the legislation.
- This legislation is basically to protect small business, neighborhood character and the local economy.
- She spoke on the changes that were made and the reasons for them.
- The number was increased for a variety of reasons. There have been numerous conversations with the Planning Department, merchants associations and the City Attorney. They felt that there were a fair number of businesses that don't fit the "retail formula use" with five or six stores. Once there are more than 10, it starts to fit more like a chain store.
- One of the main reasons for this legislation is to protect small businesses in San Francisco that are being pushed out by larger businesses.
- The majority of small businesses are single locations. Of multiple location businesses with only two stores.
- There is a small amount of businesses that this legislation will affect but these are the ones they are trying to target.

(-) Steven Sarver

- He and his wife own a small business. He now has six stores and family members operate all of them.
- He and his family enjoy working and living in San Francisco.
- He is concerned with this legislation because there are proposals to open two more stores.
- There are thousands of people in the financial district that have suggested they open more businesses.
- This legislation would hinder their growth.
- He as well as other small business owners should be allowed to open stores throughout San Francisco so long as there is a demand.

(+) Paul Wermer

- He is a member of the Neighborhood Network.
- He supports this legislation.
- San Francisco is known for district neighborhoods.
- This ordinance strikes a good balance because it provides opportunities for neighborhoods to decide how they will develop.
- Although this will add more of a workload to the Planning Department he would like to have this legislation approved.

(-) Jaime Rossi

- He understands the purpose of this legislation but he believes that it is a little arbitrary.
- In bad economic times, things like this are more hurtful than beneficial.
- He believes that for the economic outlook of this City, there should not be more burden placed on retailers.

(-) Anna Shimko – Cassidy, Shimko & Dawson on behalf of Safeway

- She is representing Safeway who is opposed to this legislation.
- Grocery services are very vital.
- The legislation would have various impacts on low and moderate-income families.
- If the legislation should pass, she asked that grocery stores not be included.
- The legislation does not provide information for appeals.
- There are many, many reasons she urges the Commission to vote against this legislation.

(+/-) My Do - MEDA

- She is a bit confused about how this legislation will impact their small business clients.
- The question she has is "If the store is considered formula retail, what percentage of the store needs to be formula retail?"
- Will the legislation have a significant negative impact?

- She does not oppose the legislation, she would just like to have it further refined to make it more understandable.

(+/-) Luis Granados – Mission Economic Development Association

- He has some questions about the legislation.
- Small businesses would benefit by this legislation.
- He would ask the planners to do an analysis of this legislation.
- He is generally in support of this legislation but he would recommend that the Commission approach it with caution.

(+) Alan Martinez

- All this is about notification.
- There is also the issue of preserving historical storefronts.

(+) Ed Bedard – Hayes Valley Neighborhood Association

- This legislation came out of his neighborhood.
- They have had several battles with formula retail stores coming into their neighborhood.
- There have been a lot of people from the community come to various neighborhood meetings on this.
- The purpose of all this is to protect the assets that this City has.

(+) Tes Welborn

- They are very supportive of this type of legislation.
- She is thrilled that this is on the table.
- Small businesses and local character is very much needed in neighborhoods.
- The idea of having to notify the neighborhood and notify the other business about retail that is coming in is not a burdensome thing to do.
- Local character is very important.

(+) Flip Sarrow – Haight/Ashbury Neighborhood

- He represents over 60 merchants on Haight Street and everyone supports this legislation.
- No all franchises notify the residents.
- This legislation is important so that the merchants can have some say on what the neighborhood is going to be.
- People come to the Haight because they want to have a unique shopping experience.
- This type of legislation that states what types of businesses are going to move into neighborhoods is good legislation.

(+/-) Joe O'Donaghue – Residential Builders

- Small businesses are hurt by this so called protectionism legislation.
- Poor people are hurt when prices are higher.
- He does not consider a business a character so businesses should be allowed in every neighborhood and not be concerned about changing its character.

(+) Leigh Stackpole – HVMA – Gimme Shoes

- She owns a business with three locations in San Francisco.
- She has worked hard to grow her business.
- She supports this legislation.
- Her accountant and graphic artist are located on Hayes Street.

(+/-) Lorn Dittfeld – Hayes Valley

- One of the greatest revenue sources is not from any chain store it is from tourism.
- People do not come to San Francisco to shop at the Gap, Starbucks, etc. Tourists come for the local character that every neighborhood has.

(+) Jim Siagal – Haight Ashbury Merchants Association

- He pleads with the Commission to pass this legislation.
- Residents need to protect the character that each neighborhood has.

(-) Tim Tosta

- His principal concern about this legislation is that it really is not intended for just the Hayes Valley or the Haight. It is intended to create a definition for formula retail and get it on the "books."

- Once this is on the "books," it will be the political father of every district supervisor to protect one or another district.
- He does not believe that there is the data that equates chains with loss. There is very much confusion with the data.

(+) Peter Cohen – Hayes Valley Neighborhood Association

- Chain stores are not evil; yet they have a real impact on small businesses.
- Neighborhood character is very important to residents of San Francisco. That is why tourists come here.
- The vast majority of retail businesses are small in scale.
- Neighborhood notification is very important because it gives the neighborhood the chance to get a "heads up" on what is proposed.

ACTION: Hearing Held. Item continued to January 22, 2004, to allow staff time to express the Commission's concerns in a draft resolution.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

SPEAKER(S):

Joe O'Donaghue – Residential Builders

Re: Building Department and Planning Commission

- Early this week, from the Mayor's Office operatives through the press, there was a trial by press done which reflected very poorly on the now Mayor including the staff that operated in the manner in which they did.
- They ignored protocol. They ignored going before the Commission and also ignored the process of going through department heads.
- It was stated that a monitor would be implemented. One [monitor] was going to be appointed by Mayor Newsom because of corruption in that department [DBI].
- He would like to state for the record that the Residential Builders process about 300 permits a year out of 55,000 permits. Of these 55,000 permits, 95 percent are approved within 72 hours.
- This states that the productivity record is phenomenal.

Lois Scott

Re: Meltdown at the Planning Department

- Over the Christmas Holiday, the Office of Environmental Review lost their server so the people at 30 Van Ness were not able to work on their computers.
- The OASIS staff were able to fix things with a zero budget.
- The conservative cost of this meltdown is about \$80,000.

- Tomorrow, four executive offices are going to be moved at the department which will cost about \$8,000. There are questions--if at this time of budget problems, this is an appropriate expense?
- When there is a mismatch of resources against workload it is very difficult to meet the service goals and performance criteria that the Newsom administration wants. She hopes that the Department will meet these goals.

Merilyn Amini

Re: Speaker Time

- She has waited seven hours to mention that earlier her time was shortened. Section 67.15c of the Sunshine Ordinance states that each policy body shall allow a public speaker [the opportunity] to speak up to three minutes. It states "up to" because she is not obligated to speak the full three minutes.

Adjournment: 11:01 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, February 5, 2004.

SPEAKERS: None
ACTION: Approved as Corrected
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, January 15, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

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COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:39 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Jean-Paul Samaha; Glenn Cabreros; Rick Crawford; Jonathan Purvis; Kate McGee; Geoffrey Nelson; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.0657C (G. CABREROS: (415) 558-6169)
1730 VAN NESS AVENUE - east side between Clay and Sacramento Streets, Lot 019 in Assessor's Block 0622 - Request for Conditional Use Authorization under Planning Code Sections 209.3 and 253 to allow the expansion of an institutional use (American Buddhist Cultural Society) and a building exceeding 40 feet in height in an RC-4 (Residential Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District.

Preliminary Recommendation: Approval with conditions

(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 4, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

2. 2003.1038C (M. LI: (415) 558-6396)
1402 MASON STREET - east side above the Broadway Tunnel, Lot 046 in Assessor's Block 0159 - Request for conditional use authorization to construct a wireless

telecommunications facility for Sprint PCS within an RM-2 (Residential, Mixed, Moderate Density) District and a 40-X Height and Bulk District. The facility will consist of four antennas and associated equipment cabinets on the roof of the building. The proposed facility meets Location Preference 1 of the WTS Guidelines.

Preliminary Recommendation: Approval with conditions,
(Proposed for Continuance to February 5, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 5, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

3. 2003.0080C (G. NELSON: (415) 558-6257)
2599 LOMBARD STREET - southeast corner at the intersection of Broderick and Lombard Streets; Lot 016 in Assessor's Block 0938 - Request for Conditional Use authorization pursuant to Section 712.83 of the Planning Code to install four (4) cellular antennas and related equipment cabinets on the roof of the Pacific Motor Inn as part of Verizon's wireless telecommunication network, within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The proposed antennas would be mounted behind an existing parapet and would not be visible from the street below. The related equipment would be housed in a new 16' wide by 17' long by 7' tall mechanical penthouse that would be partially visible from several uphill residences. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the project site is a Preferred Location Preference 4, as it is a commercial building in an NC-3 District.
 Preliminary Recommendation: Approval with Conditions.
 (Continued from Regular Meeting of December 4, 2003)
(Proposed for Continuance to ~~February 19, 2004~~ March 18, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 18, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

B. COMMISSIONERS' QUESTIONS AND MATTERS

4. ELECTION OF OFFICERS: In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year, or at a subsequent meeting, the date which shall be fixed by the commission at the first Regular Meeting on or after the 15th day of January each year.

Re: Continuance

MOTION: Request for Continuance to January 22, 2004

AYES: Antonini, Bradford Bell, W. Lee

NAYES: Boyd, Feldstein, Hughes, S. Lee

RESULT: Motion Failed

Nomination for Commission President: Shelley Bradford Bell

SPEAKER(S): None

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

Nomination for Vice President: Michael Antonini

RESULT: Not Seconded. The motion did not move forward

- Nomination for Vice President: Sue Lee
SPEAKER(S): None
AYES: Bradford Bell, Boyd, Feldstein, Hughes, S. Lee
NAYES: Antonini and W. Lee
5. Proposed adoption of Planning Commission hearing schedule for 2004.
- SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
6. Consideration of Adoption – Draft Minutes of December 11 and 18, 2003.
- SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
7. Commission Comments/Questions

Commissioner Feldstein:

Re: Mayor Newsom's Transition Team

- She has been following with great interest the work from Mayor Newsom's Transition Team.
- Read carefully the Task Force Report on the Planning Department.
- She thanked the public who has done a tremendous amount of work on this document.
- She finds that some of what is reflected in this report is not consistent with her experience with the work from the Department and staff.
- She hopes that as the Commission moves forward with the new administration, staff from the Planning Department will work diligently with the new Mayor to make sure that it is clear what the mission of the Department and staff is.
- She would appreciate receiving feedback from the Mayor's office on this issue.

Commissioner William Lee:

Re: Proposition E – Ethics Reform

- Last December, voters decided on Proposition E regarding ethics reform.
- Each department received a memo from Ginny Vida, Executive Director of the Ethics Commission requesting that each department provide a statement of incompatible activities.
- He is requesting that the Department consider this as a priority so that the public can submit comments to the Commission and staff.
- He feels that this should be considered by March or April of 2004.

C. DIRECTOR'S REPORT

8. Director's Announcements
Re: New Elected Commissioners
- He congratulated the new President and Vice President.
9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –
Land Use Committee
Re: Eastern Neighborhoods
- He, as well Dr. Amit Ghosh and staff attended the Land Use Committee meeting to report on the status of the Eastern Neighborhood proposals.
- Supervisor McGoldrick requested a similar presentation from staff as the one presented at the December 18, 2003 Planning Commission hearing.

Re: Rincon Hill Plan

- This item was continued to a future date.

Full Board of Supervisors Meeting:

Re: Appeal of the Environmental document for 899 North Point

- This item was continued to a future date so that the project sponsor and the neighborhood can continue working together to come to a solution.

Finance Committee

- The release of the \$137,000 for the Eastern Neighborhood environmental review hearing was continued to January 28, 2004.

BOA –

Craig Nikitas, Acting Zoning Administrator reported:

Re: 8 Washington Street

- This project consists of constructing approximately 120 units, a recreation center and a health club.
- The appeal before the board was on a Zoning Administrator (ZA) determination concerning the process for hearing whether the entire redevelopment area, for which the controls have lapsed, was required to be brought back to modify a planned unit development or whether the project could be brought back on its own.
- There was a motion from the Board to overturn the ZA's determination that the project could be heard as a stand alone project but that vote failed with a +2-3 vote. The ZA's determination stands.

Re: 2368 Vallejo Street

- The Planning Commission heard this case in February of 2003.
- The project consisted of a multi story rear addition to a two family dwelling.
- The Commission modified the proposal by reducing the height of an 8 foot firewall on an upper story deck, and requiring insulation of a lower firewall and a trellis with planting.
- The Board of Appeals further modified the project by requiring that the firewall be lowered and moved three feet from the property line with an open railing to further protect two property line windows on the appellant's property.
- This modification passed by a +5-0 vote.

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

Re: 4071 18th Street

(+) Lee Moulton – Architect for Project Sponsor

- He lives and works in San Francisco.
- All rooms have been identified.
- The street elevation now shows both buildings.
- The commercial space on the first floor is not changing.
- The 2nd and 3rd floors have changed--going from 4 units to 2 units.
- Regarding density: the project has gone from a total of 8 bedrooms to a total of 6 bedrooms. This, therefore, reduces the density.
- The amount of circulation has been reduced by going to two flats rather than having two individual staircases within the units. This will provide more floor space to the flats.
- The height has come down slightly as well.

- Each unit has separate exits.
- A rail has been set back 3 feet to address the concern of throwing things over to the neighbor's yard.

(+) Jennifer Cofield – Architect for Project Sponsor

- She reviewed some of the items of concern from the Commission: 1) the original demolition plan not having enough information; 2) the units being too compact and circulation problems within the units themselves; 3) not having adequate exits; and 4) concern from a neighbor about the possibility that things might be thrown into their yard.

Re: 1350-1352 Thomas Avenue

Al Norman – Bay View Merchants

- Congratulated President Bell on her election.
- There were some concerns from the community about the length of the houses.
- In Bay View there were some concerns about the 25x100 foot lots.
- The proposed housing, which has already come before the PAC, should go forward.

Michael Murray

- He presented a letter from the Bay View PAC in support of the project.

Paraic O'Donoghue

- They went to speak to the Bay View PAC and are here now to present their [Bay View PAC] approval of the project.

Joe "O'Donoghue – Residential Builders

- Mike Murray builds a lot in the Mission District.
- This is a housing project that will make people comfortable in the area.
- The Bay View PAC approves the project, so he asks the support of the Commission.

Mack Burton

- He would like the Commission to approve this project.
- He has gone door-to-door and has received support for this project.

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

10. 2003.0280C (R. CRAWFORD: (415) 558-6358)
4071 18TH STREET - south side of 18th Street between Castro and Hartford Streets
 Assessor's Block 3583 Lot 075 Request under Planning Code Section 161(j) for
 Conditional Use Authorization for a reduction in off street parking requirements for
 dwellings from four spaces to 0 spaces for a Project that will demolish an existing two
 story commercial building and replace it with a four story 6,400 square foot mixed use
 building with less than 1,999 square feet of commercial space and four residential units
 above. This project lies within the Castro Street Neighborhood Commercial District and
 the 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
**NOTE: On November 13, 2003, following public testimony, the Commission closed
 the public hearing and continued the matter to January 15, 2004 in order to get
 better and more detailed plans by a vote of +5 –0. Commissioners Boyd and
 William Lee were absent.**

SPEAKER(S): None

ACTION: Approved with the following amendments: approve four (4) residential
 units instead of two (2) and set roof deck back five (5) feet from rear
 property line.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16707

Addendum Item:

- 10A. 2003.0892C (J. PURVIS: (415) 558-6354)
1350-1352 THOMAS AVENUE - north side between Ingalls and Jennings Streets; Lot 007 in Assessor's Block 4791 – Request for Conditional Use Authorization under Planning Code Section 121(f) to subdivide one lot into two lots of less than the minimum 25-foot width for the construction of two single-family dwellings. The existing lot is 37.5 feet wide, and the two newly created lots would be 18.75 feet wide, with an area of 1,875 square feet. The site is within an RH-1 (Residential, House, Single-Family) Zoning District with a 40-X Height and Bulk designation.
Preliminary Recommendation: Disapproval
NOTE: On November 13, 2003, following public testimony, the Commission closed the public hearing and continued the matter to January 15, 2004, so the project can be presented to the Bayview PAC, by a vote of +4 -1. Commissioners Boyd and William Lee were absent.

SPEAKER(S): None

ACTION: Motion of Intent to Approve. Final Language February 5, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

D. REGULAR CALENDAR

11. 2003.0794C (G. CABREROS: (415) 558-6169)
1728-1748 HAIGHT STREET - north side between Shrader and Cole Streets, Lot 035 in Assessor's Block 1229 - Request for Conditional Use Authorization under Planning Code Section 719.21 to allow a retail space at the ground floor over 2,500 square feet in area. The proposal is for tenant improvements to establish an 8,733 square-foot retail space. Urban Outfitters, a youth-oriented retailer of men's and women's wear, home furnishings and accessories, would occupy the retail space. The subject property is within the Haight Street Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions
(Continued from Regular Meeting of November 13, 2003)

SPEAKER(S):

(+) Lou Blazej – Representing Urban Outfitters and Property Owner

- Urban Outfitters (the Store) sells men's and women's apparels as well as furniture.
- The Store chose the Haight street area for the college-oriented residents.
- The Store will be smaller than the average stores.
- The Store will add vitality, jobs, economic boost, retail continuity will continue, etc.

(-) Amy Laitinen – Supervisor Gonzalez's Office

- This project is neither necessary nor compatible with the neighborhood.
- There are many people here who are opposed to the project.
- Some of the conclusions that were reached by the Planning Department are confusing to her. For example, there are stores in the Haight Street area that sell the type of clothes that Urban Outfitters sells.
- She urges the Commission to deny this Conditional Use.

(+) Ernestine Weiss

- Small businesses are the best generators of jobs.
- The reason Urban Outfitters needs the large space is because they carry furniture.
- The project should be approved.

(+) Jim Siegel

- Urban Outfitters will impact many stores on Haight Street.
- The project will also set a precedent in the area.
- Haight Street does not have that much foot traffic any more.

- Big stores are taking competition away. Many smaller stores have already closed down.

(+) Brigitte Cooperman – Urban Outfitters

- The majority of the customers of our stores range from 18 to 30 years old.
- This store will not hurt competition. It will actually help.
- They have display artists at our stores and encourage the art of self-expression.

(-) Tim Sams

- He lives on Haight Street.
- He opposes the project.

(+) Phil Otto – Project Architect

- He started working for Urban Outfitters when they opened their store in Berkeley.
- He displayed a rendering of the façade of the project.
- Urban Outfitters has always supported artists and expressionists.

(-) Phil Sams

- He is opposed to this project.
- He works on Haight Street and feels that he will lose his job if this project is approved.
- He is a father of one and really needs to keep his job.
- He would like to have the character of the neighborhood preserved.

(+) Mitch Murphy – Urban Outfitters

- He is the District Manager of Urban Outfitters in the Northwest.
- The speakers who are in support of this project have not been paid to come to these hearing.
- Many of the managers have been with the store for many years and have moved up from Sales Associate positions.
- Their focus is to take advantage of the local talent and promote them.
- Our store does not function like other chain stores.

(-) Barbara Saunders

- She has lived in the Haight for about 15 years.
- There have been a lot of companies close down.

(+) Tanya Schneider – Urban Outfitters

- She is the Manager of the Urban Outfitters in Santa Cruz. She started out as a Sales Associate.
- Our store is not like any other store she has ever worked for. She enjoys working for a company that has the same artistic ideals as she.
- They sometimes have in-store performances by local artists and DJs.
- By opening the store on Haight Street, it will improve the area.

(-) Joey Cain

- He is not in support of the project.
- Urban Outfitters is a million dollar chain company.
- There is no way small businesses can compete with the power of a million dollar corporation.
- He is part owner of a bookstore on Haight Street.
- There is overwhelming opposition for this project.
- This project is completely redundant.
- If the project is approved, the neighbors will hold a protest outside the store.

(+) Benjamin Gaffney – Urban Outfitters

- He is a manager of an Urban Outfitters.
- When the store opened in Santa Cruz, he was concerned that he would lose his job.
- He read [to the commission] a letter from the downtown association of Santa Cruz who is in support of the project.

(-) Pablo Heising – Haight/Ashbury Merchants

- He is a resident of Haight Street and a board member of the association.
- The issue to him is the size of the operation. He is not in support of any retail business that uses a very large space.
- He urges the Commission to not allow this project.

(+) Erica Westor – Urban Outfitters

- She is a manager of an Urban Outfitters store.
- Today is her day off so she is here on her own time.
- She supports this project.

(-) Eric Bruan

- Even if good people own the store, the money still goes to the main office in Philadelphia.
- Business money should stay in San Francisco.

(+) Nicholas Galli – Urban Outfitters

- There are many benefits that this store will bring to the area.
- For instance, he is allowed to show off his talent as an artist.
- The project will actually help other businesses.

(-) Teresa Welborn - HANC

- The Haight Ashbury Neighborhood Commercial District is not in support of this project.
- The project will cause much traffic problems.
- The delivery trucks for the furniture will cause traffic problems as well.
- She urged the Commission not to approve this project since it does not fit the neighborhood by size.

(-) Zachary Eaton – Urban Outfitters

- He is the Manager of Urban Outfitters in San Francisco.
- He sees the store as a destination store.
- If there was an Urban Outfitters in any neighborhood, he would travel to that neighborhood to go to the store. While there he would be able to spend money at other businesses.

(-) Greg Gaar - HANC

- He has lived in the Haight area for about 15 years.
- The sign of this project was not posted properly.
- The area needs neighborhood-serving businesses.
- This project does not fit any of the requirements.

(+) Jody Necastro – Urban Outfitters

- If businesses are leaving the Haight area maybe its because the neighborhood is causing a hazardous situation.
- She read an excerpt from the Customer Service manual that employees of the store receive.
- The owners of the store do not believe in the theory of “stack it high and sell it cheap” like Costco.

(-) Karen Masonheimer

- She appreciates the fact that people want to make the neighborhood better.
- There are several wonderful unique stores in the Haight.
- If there is already a store in San Francisco then that should be fine and there is no need to open another store.
- The residents of the area still want to keep and promote “mom and pop” businesses.
- Most of the tourists come to the Haight Street area because of the small stores.

(+) Bruce Lyall – Recycled Records

- He has a business on Haight Street and is in support of the project.
- Constantly meddling with the retail spaces on Haight Street has caused a problem.

(-) Calvin Welch - HANC

- Size does matter. Haight Street does have controls, etc.
- Haight Street has controls that state neighborhood serving retail uses are for the residential population. That is why there is no off street parking.
- This area is not a regional shopping center.
- The attempt to bring a large volume chain store causes problems and violates the code.
- This use is incompatible.

(+) Matthew Brennan

- There are many so called chain stores that currently exist on Haight Street and this has not diminished the charm of the area.

- There are stores that have multiple locations in the same area throughout the Bay Area.
- Urban Outfitters only has two stores in San Francisco.
- This store will bring more consumers to Haight Street.

(-) Mehran Esmaili

- He has been a property owner and retailer on Haight Street for over 20 years.
- There are 54 merchants who signed a petition against Urban Outfitters.
- He has eight additional sheets of signatures from people who could not be at the hearing today but who are against the project.
- Seventy-five percent of the merchants on Haight oppose this project.

(+) Mark Brennan

- Urban Outfitters is not an evil empire, it does not sell drugs, push prostitution or advocate the further decline of Haight Street.
- What are people afraid of?

- There are stores on Haight that extend beyond 25,000 square feet.
- There have been signatures from people who do not live in the area. It is not reasonable to have foreigners decide what to have or not to have in the Haight.

(-) Flip Sarrow – Haight/Ashbury Merchants Association

- He is President of the Haight Ashbury Merchants Association.
- He commends the Commission for not approving a Starbucks coffee shop on Judah Street last week. This shows that the Commission places an importance on neighborhood character.
- This store will be twice as large as any other retail store on Haight Street.
- There are about 75 percent of the businesses in the area not in support of the project.
- If the project was kept at the smaller square footage, people would not be here.

(-) Freyozon Sarreshtehdary – Coffee Cantata

- He owns a coffee shop on Haight Street.
- Many of the people that come to his shop are in support of the project.
- The store will have 25 to 30 employees who live locally.
- His business booms whenever a new business opens.

(-) Don Eli Fontaine

- He is a member of a metaphysical church.
- He thanked the Commission for denying the application of a Starbucks on Judah Street last week.
- He is not in support of this project.

(+) Andrew Smith

- The parking analysis has been done on this area.
- The merchants seem to be looking for the protection of the Commission and this is not the job of a land use Commission.
- Many people have created a dangerous environment for themselves.

(-) Laura Adams

- She came to San Francisco because of the diversity.
- She comes from Arizona and there is an Urban Outfitters there that changed the area and she does not want this to happen to the Haight Street area.

(+) Mike Murray

- Urban Outfitters would increase foot traffic, business and a boom for consumers.
- Everyone visits Haight Street.
- The whole City goes shopping on Haight Street at least once a year.

(+) Roger Ryan – E Moving Company

- He owns a furniture store on Valencia Street.
- Every store has employees, mechanics, trucks, etc. If Urban Outfitters opened next door to his business, he would welcome them with open arms because it would benefit his business as well.
- New businesses increase foot traffic.
- Urban Outfitters will employ local people.

(-) Ginger Martin

- She belongs to various organizations in the Haight Street area.

- She believes that the Commission should uphold the square footage that is already in place.
- People on the Haight need the artists, the poets, etc.
- She feels that Haight Street needs a museum but not a clothing or shoe store.

(+) Paraic O'Donoghue

- Someone earlier was complaining about a demolition. The building that was demolished had become a place for drugs and vandalism.
- There should not be a problems with truck loading and unloading. He feels that a little consideration is good.
- Urban Outfitters will have security, which will help keep the area clean.
- Laundromats are becoming a thing of the past because many of new multi unit buildings have washing machines.

(-) Larry Roberts

- He has lived in the Haight for ten years.
- A lot of businesses have closed down in the Haight.
- The main point here is that the current zoning does not allow the square footage.
- If Urban Outfitters wants to open a store, it should open in another area.

(+) Mack Burton

- Twenty years ago he had a furniture store in the Fillmore District.
- During that time, the Haight was a booming area. That area has dwindled down ever since.
- This store will be employing about 30 people or more, and that is not including the people working part-time.
- He showed the Commission a flyer that showed the store being blown up if it is approved by the Commission.

(-) Pinky Kushner – 6th Avenue Environmentalists

- She lives in the Inner Sunset area.
- If she wanted to shop at Urban Outfitters she would get on the N Judah and travel downtown.
- Many people are concerned about the Planning Code and the enforcement of the Planning Code.
- She as well as many others are very interested in protecting neighborhood character.
- This project does not fill any neighborhood character requirements.

(-) Ted Loewenberg

- There are many businesses on Haight Street that are not "mom and pop" stores.
- There is garbage on every corner of Haight Street. This is not neighborhood character.
- The store does not sell drugs, pierce body parts, etc. Is this what people are opposed to?

(-) Jim Rhoads

- He does not think that the businesses on Haight Street are opposed to another business.
- Residents and business owners are just opposed to the size of the project and the fact that the Planning Code is not being respected.
- He hopes that the Commission will not approve this project. But if it does, it should scale it down.

(-) Martha Hoffman

- She owns property in the Haight Street area.
- She is opposed to this store coming into the area as well as the size of the project.
- She finds the building to be very unattractive and having this type of store in that location would just make it worse.

(-) Barbara Sange

- She is an artist and lives in the Haight Street area.
- The area has gone through its "highs" and "lows."
- The size of this store is what is creating all the opposition.

(+) Tom McDonough

- Urban Outfitters has a social conscience. It stimulates creativity and looks to the neighborhood to energize itself.
- Haight must look for ways to become more economically vibrant.
- The storefront is only 50 feet, and that is not overwhelming to him.

(+) Deric Casey

- He hopes that the Commission will approve this project.
- Mr. Brennan has worked hard to welcome this store.
- Competition is a good thing. Everyone should go where they want.

(+) Joe O'Donoghue

- Many people are saying that big is bad and success is bad.
- The issue that people have is that people are saying that the location is too large for the store yet Goodwill has a larger location.
- There are ridiculous concepts here based on the character of the neighborhood.
- The City and consumers need choices.
- This project should be approved.

ACTION: Project Disapproved
 AYES: Hughes, Feldstein, S. Lee and W. Lee
 NAYES: Antonini, Bradford Bell and Boyd
 MOTION: 16708

12. 2003.0451C (G. NELSON: (415) 558-6257)
1529-1565 PAGE STREET - south side between Masonic Avenue and Ashbury Street; Lots 023, 027, 028, and 032 in Assessor's Block 1232 - Request for Conditional Use authorization pursuant to Sections 209.3(h) and 304(d) of the Planning Code to demolish 2 three-unit apartment buildings (1529 and 1535 Page Street) and construct a 4-story, approximately 19,000 square foot addition to the existing Urban School of San Francisco, within an RM-1 (Residential, Mixed-Use, Low Density) District and a 40-X Height and Bulk District, in the Haight/Ashbury Neighborhood. This proposal requires Conditional Use authorization because it proposes: 1) the expansion of a secondary school in an RM-1 District, 2) it proposes to modify a prior Conditional Use authorization granted in 1993 (Case No. 1993.0094C), and 3) it proposes to develop a project site of over ½ acre (also called a Planned Unit Development, or PUD), which would allow modifications to the standard Code requirements such as rear yard and open space. With the proposed project, the Urban School plans to increase enrollment from 250 to 380 students, as well as increasing full and part-time employees from 50 to 70. The new structure would contain classrooms, offices, a student center, a chemistry lab, and various support spaces. The proposed project would also add one off-street parking space to the existing basement parking at 1563 Page Street.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of December 4, 2003)

SPEAKER(S):**(+) Mark Sulkind – Director of Urban School**

- Urban School is an independent progressive high school that offers a rigorous college preparatory education to 250 students. The school has been in operation since 1966.
- Urban School has been located in the Haight for 27 years.
- The addition will provide badly needed classrooms, modern science laboratories, a dedicated music facility, a student cafeteria and a fully accessible main entrance to the school.
- The design responds sensitively to the scale of the buildings on Page Street.
- Urban is fighting to pay competitive salaries to teachers.
- By increasing the student body, it will strengthen the school's financial foundation.
- A maximum student body of 380 is the right size for Urban School.

(+) Barbara Kimport

- With the approval of this project, Urban School will obtain financial viability and be able to provide excellent service to the school's community, the broader neighborhood and San Francisco.
- The Board of Trustees has determined that having less than 400 students would be more than viable for the school.
- She thanks the Commission for their support.

(+) Angela Brown – Director of Admissions

- Recently they have witnessed an unprecedented interest from Bay Area families in Urban School. They received over 1,300 requests for admissions information.
- For the past five years, Urban School has received over 400 applications to the Freshman class. Each year, the admissions committee must deny admission to many qualified students.
- With only 60-65 Freshman available spaces in the class, it is very painful to deny admission to the school.
- They are eager to open the doors to more qualified students.

(+) Matt Bens

- He lives in the Haight Ashbury area.
- He is very enthusiastic about this project.
- He is a parent of a five-year-old daughter.
- The building will also add to the life of the street.

(+) Langston Smith

- He is a sophomore at Urban School.
- He has been able to learn about social issues and be able to participate in many of the important issues that happen in San Francisco.
- If the school is able to expand, it will continue to provide an excellent education.

(+) Caitlin Sargent – Urban School Student

- She is a student at Urban School, editor of the newspaper and serves as a student rep on the Board of Trustees.
- The school has provide the tools and experiences to allow students to become valuable community members and responsible world citizens.
- Students graduate with a strong commitment to doing service work.

(+) Judy Woods

- She works for one of the agencies that the Urban School sends volunteers to.
- The students are always so polite and nice.
- She hopes that the Commission will approve the project.

(+) Norm Larson

- He lives on Haight Street and manages a building in the area.
- He never gets attitude from the students when he passes by there.
- He is very comfortable with the school.

(+) Dominica Henderson

- She recently graduated from Urban School.
- She strongly urges the Commission to allow this project.
- She has learned that it is a privilege to work with the community and other agencies in San Francisco.
- She encourages the Commission to allow an opportunity for more students.

(+) Algis Sodonis

- He is head of the science department.
 - Science students really need to have more space for experiments, storage, etc.
- Approving this project will allow this.

(-) Tes Welbern - HANC

- She is puzzled. She hears the positiveness of what the school offers, but she also sees the negative way the school goes about doing their business.
- A few years ago the school mentioned that they were not going to expand. But here they are, wanting to expand again.

- All the programs sound good and the people are good, but this is not the way to treat a neighborhood.
- There should be an enrollment cap on this institution.

(+) Greg Gaar - HANC

- He has a really good relationship with Urban School.
- He really likes the school but there is still a community.
- He is just asking for a cap so that there are no more expansions.

(-) Calvin Welch – Haight Ashbury Neighborhood Council

- HANC opposes the proposed expansion of Urban School for the following reasons: 1) This is the third expansion of the school, and it was done without any community discussion; 2) while representations have been made to keep the four unit building to the west of the campus (1556 Page Street) for residential use, no binding commitment has been made; 3) the proposed expansion will accommodate a 67 percent increase in students and staff at the site, but there are no new plans for drop off and pick up traffic.

(+) Eileen Adams – Ashbury Children's Foundation

- Her Board has several problems with the project. The concerns are with asbestos, lead, dust and noise.
- The proposed building will extend deeper than the other building so it will block light into the Children's Foundation.
- She is also concerned with underpinning. The construction crew will have to dig under her building while there are 80 kids and 9 infants going to school.
- The Urban students will be on vacation but her children will not.

(+) Charlotte Worsley

- She is the Dean of Students at the Urban School.
- This is a very unique school that offers a lot to their students.
- There are students eating on the stairs and in the hallways. The expansion will provide a student cafeteria to address this.
- She asked the Commission to support this project.

(-) Joey Cain

- He would like to have this project either delayed or denied.
- He lives very close to the school. Ever since the school started, the street has become an institutional campus.
- He is also opposed to the units that will be eliminated.
- The traffic is very heavy in the area already and approving this project will increase the problems.
- The school has made agreements before that have been broken.
- Although the school has an excellent program, the issue here is about arrogance on the part of the school's Board.

(+) Fritz Streiff

- He is a neighbor of the school. His experience with the school has been excellent.
- There is no place he would rather see the school.

(+) Michael Harris

- The Commission has the control of what happens to the school in the future.
- He hopes that the Commission approves this project.

(+) Eva Yopes

- She is a senior at Urban School and also a Board member.
- Urban School has provided her with an excellent education.
- Allowing this project will provide future students an opportunity to receive this excellent education.

(+) Ben Yelin

- He is a senior at Urban School.
- The school is accessible by many MUNI bus lines.
- He has purchased his lunch at the various businesses in the Haight/Ashbury area.
- There are about 450 applicants every year and the school has to deny most of the applications because there is not enough space.

(+) Jacob Cohen

- He is a senior at Urban School and plays basketball there.
- He has learned to love history while attending the school.
- It would be tremendously positive if more students were allowed the opportunity to attend the school.

(+) Susan Andrews

- She has worked in San Francisco schools for many years.
- Her son went to Urban School.
- The school is very committed to being a small school. The school has no intention of taking over the Haight/Ashbury area.

(+) Amina Samake

- She graduated from Urban School and is a daughter of one of the teachers.
- If the school can expand, more students can obtain the education she was able to receive.

(+) Suzanne Woo

- She is a parent of a student who attends Urban School.
- Urban School performs outreach to public schools through their Aim High Program. Her son received tutoring from the Aim High Program.
- She encouraged the Commission to allow the expansion of the school.
- Her son was not a very good student but improved greatly through Urban's outreach program.
- The students and faculty support the merchants on Haight Street.

(-/-) Martha Hoffman

- The point here is not if Urban School is a good school or not. The point is that the school is "gobbling" up the properties surrounding it.
- There must be ways that the school can expand. Maybe like annexes here and there?
- The school is continually destroying housing.

(+) Dan Wald

- He was born in San Francisco and was lucky to be educated in both private and public schools.
- He understands the concerns of Urban's impact on the neighborhood and the City but also the issue of how excellent the students become after attending Urban school.
- He asks that the Commission approve this proposal.

(+) Rachel Ehrlich

- She moved to San Francisco in 1992 and has been an affordable housing activist since then.
- It is her belief that Urban School has more than compensated the residents who were evicted.

(+) Isabelle Beekman

- Her daughter attends Urban School.
- Her daughter decided to attend this school because she felt it was a school where she would learn how to love to learn.

(+) Allen Ridley

- Although he feels the expansion of the school will affect his property value, he is still in support of the project.
- He is not to accustomed to dealing with high school students, but he has never had any problems with them.
- He has never had any problems with the traffic near the school.

(+) Arthur Levy

- His son is attending Urban School.
- He submitted a letter from the Day Labor Program Women's Collective of La Raza in support of the project.

(+) Stan Herzstein

- After going to various schools to find one adequate for his son, he will send him to Urban School.
- He feels that there is a shortage of [quality] high schools.

- This is a need that is critical in the City.

(+) Susan Mun

- She is the Director of Finance Operations at Urban School.
- There have been conversations with the Arshbury Children's Council.
- She has met with various agencies and organizations in the area regarding this expansion. There have been issues and questions that she has been able to deal with. Most of the concerns related to technical issues during construction.

(+) Tom Angstadt

- He has been president of the Board.
- There have been various challenging questions they have had to deal with.
- Perhaps they have not been very good about certain things in the past.
- Once the Ellis Act had been issued, they turned to their neighbors for support.
- Although in the past they have not had good communication, that is different now.
- As a Board, they cannot limit the number of students.

(+) Harry O'Brien

- There is no disagreement about the conditions that would be imposed on the Conditional Use approval.
- The school has agreed to not increase the number of students for a period of time.
- The Commission cannot preclude from considering in the future what it believes is in the best interest of the City.
- He asks the Commission to approve the application.

(+) Elizabeth Simpson

- She came to San Francisco many years ago.
- If it wasn't for the generous scholarship program of Urban School, her daughter would not have been able to attend such a fine school.
- She would like to see her daughter eat her lunch in a cafeteria and not on the steps or on a corner.
- She hopes that Urban can continue to offer scholarships and allow intelligent children the opportunity her child has.

(+) Jim Dorncob

- Supervisor Gonzalez agrees with much of the issues related to the loss of housing and the communication difficulties.
- Supervisor Gonzales believes that the proposed expansion is necessary for the vitality of the institution.
- He would like the Commission to impose a condition that would allow a maximum of 380 students.

ACTION: The Commission approved the Conditional Use authorization with the following modifications:

Finding 6 to be modified to indicate that no agreement has been reached with HANC or ACF.

Finding 7 to be modified to state "...a total of 21 classrooms..." rather than 16 as stated.

New Finding to be added stating that Urban School has represented that it will voluntarily NOT apply to expand enrollment at the school beyond 380 students for a period of eighteen (18) years from the date of this approval.

Condition of Approval 14 to be modified to allow for minor variation in the enrollment cap of 380 students due to the nature of the enrollment process.

New Condition of Approval added stating that Urban School will meet at least once per year with the Haight-Ashbury Neighborhood Council (HANC) to discuss any planned expansion of the school, modification of its conditional use approval, or any other issue of concern to either party.

New Condition of Approval added stating that Urban School will develop a construction plan in consultation with the Whitney-Young Child Development Center (WYCDC), the School's contractor, and an industrial hygienist or other appropriate technical specialist with the goal of providing for the safety of WYCDC students and staff during construction and significantly minimizing construction-related impacts to the student-occupied areas and classrooms of the WYCDC.

New Condition of Approval added stating that Urban School shall, at its cost, explore the possibility of relocating the operations of the WYCDC for a period not to exceed the 8 weeks during and surrounding the demolition of the existing structures.

AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee
 EXCUSED: W. Lee
 MOTION: 16709

13. 2003.0940C (K. MCGEE: (415) 558-6367)
1469 18TH STREET - on the corner of 18th Street and Connecticut Street; Lot 27 in Assessor's Block 4036 - Request for Conditional Use Authorization to install a Walk-Up Facility, an Automated Teller Machine (ATM), without providing a 3 foot recess from the front property line, located in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and in a 40-X Height and Bulk District, per Planning Code Section 711.26.
 Preliminary Recommendation: Approval with conditions.
 (Continued from Regular Meeting of December 18, 2003)

SPEAKER(S): None
 ACTION: Without hearing, item continued to February 5, 2004.
 AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

14. 2003.1094L (T. TAM: (415) 558-6325)
2362 MARKET STREET - north side of Market Street between Castro Street and 16th Street; Lot 11 in Assessor's Block 3562 - Request for the Planning Commission to adopt a Resolution approving the designation of the Jose Theater / NAMES Project Building as Landmark 241, and recommending to the Board of Supervisors that they approve the designation of the Jose Theater / NAMES Project Building as Landmark No. 241.
 Preliminary Recommendation: Approval

SPEAKER(S): None
 ACTION: Approved
 AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee
 RESOLUTION: 16710

15. 2001.0566L (M. LUELLEN: (415) 558-6478)
1305 18TH AVENUE, SUNSET BRANCH CARNEGIE LIBRARY - southwest corner of 18th Avenue and Irving Street; Lot 001 in Assessor's Block 1773 - Request for the Planning Commission to adopt a Resolution approving the designation of the Sunset Branch Carnegie Library as Landmark 239, and recommending to the Board of Supervisors that they approve the designation of the Carnegie Presidio Branch Library as Landmark No. 239. The subject property is zone P (Public), and is in a 40-X height and bulk district.
 Preliminary Recommendation: Approval

SPEAKER(S): None
 ACTION: Approved
 AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee
 RESOLUTION: 16711

16. 2001.0569L (M. LUELLEN: (415) 558-6478)
3150 SACRAMENTO STREET - PRESIDIO BRANCH CARNEGIE LIBRARY - north side of Sacramento Street between Baker and Lyon Streets; Lot 0121 in Assessor's Block 1006 - Request for the Planning Commission to adopt a Resolution approving the designation of the Presidio Branch Carnegie Library as Landmark 240, and recommending to the Board of Supervisors that they approve the designation of the Carnegie Presidio Branch Library as Landmark No. 240. The subject property is zone P (Public), and is in a 40-X height and bulk district.
Preliminary Recommendation: Approval with conditions.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

RESOLUTION: 16712

17. 2001.1039E (A. AGUILAR: (415) 558-5973)
55 NINTH STREET - Public Hearing on Draft Environmental Impact Report: The State Compensation Insurance Fund (SCIF) proposes to expand their San Francisco office at 1275 Market Street by constructing an adjacent 12-story, approximately 268,000 gross-square-foot (gsf) office building at 55 Ninth Street. The project site (Assessor's Block 3701, Lot 63) is occupied by a surface parking lot with about 173 parking spaces and located mid-block on the northeastern side of Ninth Street in the block bounded by Market, Ninth, Mission, and Eighth Streets in the Mid-Market neighborhood. The new building would be approximately 198 feet high, including mechanical penthouse, and would have a two-level below-grade parking garage with about 134 parking spaces. The entrance to the new building and access to off-street parking and loading would be from Ninth Street. There would be four loading bays and a trash compactor on the ground level in the center of the building. Trucks would enter and exit on Ninth Street and could exit to Laskie Street onto Mission Street. The project site is zoned C-3-G (Downtown General Commercial) and is within a 120-X Height and Bulk District.
Preliminary Recommendation: No action required.
NOTE: Written comments will be received at the Planning Department until 5:00 p.m. on January 27, 2004.

SPEAKER(S): None

ACTION: Meeting Held. No Action Required.

18. 2004.2003.0993C (J. MILLER: (415) 558-6344)
572- 576 GREEN STREET - north side between Stockton Street and Jasper Place, Lot 20 in Assessor's Block 116 - Request for authorization of a Conditional Use for establishment of a bar ("Occidental Cigar Club, LLC")(Planning Code Section 722.41), in approximately 4,000 square feet of vacant basement space formerly occupied by a dance club and bar, in the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions.

SPEAKER(S):

(+) Jay Ager – Representing Project Sponsor

- He represents the property owner and tenant.

- He is available for questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

MOTION: 16713

19. 2003.1082C (J. MILLER: (415) 558-6344)
1145 POLK STREET - west side between Sutter and Hemlock Streets, Lot 1 in Assessor's Block 691 - Request for authorization of a Conditional Use for extension of hours of operation to include the time between 2:00 and 6:00 A.M. ("Polk & Sutter 24 Hour Store & Deli")(Planning Code Section 723.27), in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District. No physical expansion or other alteration of the building is proposed.
Preliminary Recommendation: Disapproval

SPEAKER(S): None

ACTION: Without hearing, item continued to February 5, 2004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

20. 2003.1182C (J. MILLER: (415) 558-6344)
1351 GRANT AVENUE - west side between Green and Vallejo Streets, Lot 2 in Assessor's Block 131 - Request for authorization of a Conditional Use for establishment of a full-service restaurant ("Romio")(Planning Code Section 722.92), in approximately 1,000 square feet of vacant commercial space (formerly occupied by "Figone Hardware") in the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions.

SPEAKER(S):

(+) German Edwards – Tenant and Business Owner

- He is available for questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

MOTION: 16714

21. 2003.1101C (D. SIROIS: (415) 558-6313)
1818 SAN JOSE AVENUE (AKA 18 COLONIAL WAY) - west side of San Jose Avenue between Colonial Way & Santa Rosa Avenue, Lot 041 in Assessor's Block 3144A - Request for conditional use authorization pursuant to Section 710.44 to establish a small self-service restaurant (Tam's Cafe) in a 655 square foot commercial space. The project site is located in an NC-1 (Neighborhood Commercial Cluster) District in a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) John Tam – Project Sponsor

- He is here seeking approval of this project from the Commission.

- He is available for questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

22. 2003.0868C (M. SNYDER: (415) 575-5891)
540 VALENCIA STREET (A.K.A. 542 VALENCIA STREET) - Blondie's Bar and No Grill, west side between 16th Street and 17th Street, Lot 6 in Assessor's Block 3568 - Request for Conditional Use authorization to allow "other entertainment" (as defined by Planning Code Section 790.38), which includes live amplified music entertainment and DJs, in an existing bar, Thursday through Sunday. No changes to the exterior of the building is proposed. The subject property is within the Valencia Neighborhood Commercial District and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None
ACTION: Without hearing, item continued to February 5, 2004.
AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, W. Lee, S. Lee

6:00 P.M.

23. (L. BADINER/D. LIM: (415) 558-6411/558-6547)
PLANNING DEPARTMENT MANAGEMENT AUDIT - Review of management audit and Commission consideration of recommendations by Planning Commission for follow-up. (Continued from Regular Meeting of November 20, 2003)

SPEAKER(S): None
ACTION: Without hearing, item continued to February 5, 2004.
AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Acting Director Badiner Commented:

- He forgot to mention during Director's Report that it was stated at last week's hearing (during Public Comment) that a move within the Planning Department would take about \$8,000. This number was inaccurate. This move was done in one afternoon and the total amount for the move came to \$1,600.

Adjournment: 11:01 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, February 5, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, January 22, 2004

1:30 PM

Regular Meeting

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COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:39 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Jean-Paul Samaha; Glenn Cabrerros; Rick Crawford; Jonathan Purvis; Kate McGee; Geoffrey Nelson; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2003.0295CV (G. NELSON: (415) 558-6257)
899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 026 in Assessor's Block 0020 - Request for Conditional Use authorization pursuant to Sections 209.1 and 228.3 of the Planning Code to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now in use as a parking lot. This proposal requires Conditional Use authorization because 1) it proposes a dwelling unit density of greater than 3 units in an RH-3 District and 2) it proposes to convert a service station use to residential use. This project is also seeking a Variance from the Planning Code, case No. 2003.0295CV.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of December 4, 2003)
(Proposed for Continuance to February 5, 2004)

SPEAKER(S):

Steve Williams

The date to be continued is fine with him.

ACTION: Without hearing, item continued to February 5, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 1b. 2003.0295CV (G. NELSON: (415) 558-6257)
899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 026 in Assessor's Block 0020 - Request for Variance from Section 134 of the Planning Code to construct a 4-story residential building into the required rear yard. Section 134 of the Planning Code states that the minimum rear yard depth in an RH-3 District shall be equal to 25 percent of the total depth of the lot on which the building is situated. Rather than leave a 22' wide gap in the North Point Street frontage, the proposal is to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior of the lot of approximately 1,480 square feet.
(Continued from Regular Meeting of December 4, 2003)
(Proposed for Continuance to February 5, 2004)

SPEAKER(S): Same as those listed for Item 1a.

ACTION: Without hearing, item continued to February 5, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

2. 2003.0868C (M. SNYDER: (415) 575-6891)
540 VALENCIA STREET (A.K.A. 542 VALENCIA STREET) - Blondie's Bar and No Grill, west side between 16th Street and 17th Street, Lot 6 in Assessor's Block 3568. Request for Conditional Use authorization to allow live amplified music entertainment and DJs in an existing bar Friday through Monday pursuant to Planning Code Sections 726.48 and 790.38. No changes to the exterior of the building is proposed. The subject property is within the Valencia Neighborhood Commercial District and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of January 15, 2004)
(Proposed for Continuance to February 5, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 5, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

3. 2003.1110T (I. WILSON: (415) 558-6163)
ORDINANCE AMENDING THE SAN FRANCISCO PLANNING CODE TO ALLOW A REQUIRED SECOND MEANS OF EGRESS - Initiation of an ordinance amending the San Francisco Planning Code by adding a new section 136(c)(4)(A)(i-v) to allow a stairway that is a required second means of egress under the Building Code, as a permitted obstruction in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code.
Preliminary Recommendation: Pending
(Continued from Regular Meeting December 18, 2003)
(Proposed for Continuance to February 12, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 12, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

4. 2003.0183D (G. NELSON: (415) 558-6257)
2477-2479 SUTTER STREET - south side between Broderick and Divisadero Streets; lot 022 in Assessor's Block 1076 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all residential demolitions of Demolition Permit Application No. 2002.08.13.3876, proposing the demolition of a two-story, two-family dwelling within an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District. There is a related proposal to construct a new, four-story, three-family dwelling with three off-street parking spaces.
 Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
 (Continued from Regular Meeting of December 11, 2003)
NOTE: On September 25, 2003, following public testimony, the Commission closed the public hearing and entertained two motions: 1) to take Discretionary Review and disapprove the demolition by a vote +3 -3. Commissioners Antonini, Bradford Bell, and Boyd voted no. The motion failed; 2) to continue the matter to October 16, 2003 by a vote +6 -0. Commissioner William Lee was absent.
NOTE: On October 16, 2003, the Commission entertained two motions: 1) to take Discretionary Review and disapprove the demolition, by a vote +3 -3. Commissioners Antonini, Bradford Bell, and W. Lee voted no. Commissioner Boyd was absent. The motion failed. 2) to continue item to November 13, 2003 by a vote of +4-2. The Commission requested that a representative from another City Department review the soundness report. Commissioners Hughes and S. Lee voted no. Commissioner Boyd was absent. Public hearing will have to remain open on at least the requested additional information.
NOTE: On November 13, 2003, the Commission continued this item to December 11, 2003 without hearing.
NOTE: On December 11, 2003, the Commission continued this item to January 22, 2004 without hearing.
 (Proposed for Continuance to February 12, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to February 12, 2004
 AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

5. 2002.0677D (J. IONIN (415) 558-6309)
679 40TH AVENUE - west side between Balboa and Anza Streets; Lot 020 in Assessor's Block 1583 - Request for Discretionary Review of Building Permit Application No. 9909801, proposing a vertical and horizontal addition to accommodate a second dwelling unit with a second off-street parking space, to an existing single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.
 (Proposed for Continuance to March 11, 2004)

SPEAKER(S):
Steve Williams
 - He has a conflict with the date of March 11, 2004.
 - He would rather have on March 25, 2004.
Ming Ling
 - She is not agreeable to the March 25, 2004 date. She would rather hear it on March 11, 2004.
 ACTION: Without hearing, item continued to March 25, 2004
 AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 6a. 2003.0047DDDDDDDDDDVV (G. NELSON: (415) 558-6257)
44 LURMONT TERRACE - a cul-de-sac on the north side of Leavenworth Street between Greenwich and Lombard Streets; Lot 025 in Assessor's Block 0071 - Requests for Discretionary Review of Building Permit Application No. 2003.05.08.4122, proposing the construction of a four-story, single-family dwelling within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The related demolition, Case No. 2004.0030D is not before the Commission under the Residential Demolition Policy because the home to be demolished is appraised at greater than \$1.2 million.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

(Continued from Regular Meeting of December 11, 2003)

(Proposed for Continuance to March 11, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 6b. 2003.0047DDDDDDDDDDVV (G. NELSON: (415) 558-6257)
44 LURMONT TERRACE - a cul-de-sac on the north side of Leavenworth Street between Greenwich and Lombard Streets; Lot 025 in Assessor's Block 0071 - Request for Variance from the rear yard requirements of the Planning Code to construct a single-family dwelling partially into the required rear yard, within an RH-3 (Residential, House, Three-family) District, and a 40-X Height and Bulk District. Section 134 of the Planning Code states that in an RH-3 District, in the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, the minimum rear yard depth shall be 25 percent of the total depth of the lot, or 15 feet, whichever is greater. On the approximately 80-foot deep subject lot, this results in a rear yard requirement of 20 feet, with the south side of the lot being considered the rear. The proposed construction would project into the required rear yard by up to 11 feet at the ground (garage) floor level, extending to within 9 feet of the south property line. The application requesting a Variance will be heard by the Zoning Administrator.

(Continued from Regular Meeting of December 11, 2003)

(Proposed for Continuance to March 11, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 7a. 2003.1268D (T. WANG: (415) 558-6335)
571 VALLEY STREET - south side between Castro and Diamond Streets; Lot 020 in Assessor's Block 7536 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.10.03.8119, proposing to demolish an existing single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

(Proposed for Continuance to March 11, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 7b. 2003.1289D (T. WANG: (415) 558-6335)
571 VALLEY STREET– south side between Castro and Diamond Streets; Lot 020 in Assessor's Block 7536 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2002.10.03.8125, proposing to construct a new three-story over garage and basement, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project.
(Proposed for Continuance to March 11, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

8. 2003.1179T (P. LORD: (415) 558-6311)
PROHIBITING DEMOLITION OF RESIDENTIAL BUILDINGS with 20 or more Dwelling Units- Consideration of an Ordinance to amend the Planning Code by adding Section 317 and by amending Sections 710.39, 711.39, 712.39, 714.39, 715.39, 716.39, 717.39, 718.39, 719.39, 720.39, 721.39, 722.39, 723.39, 724.39, 725.39, 726.39, 727.39, 730.39, 813.13, 814.13, 815.13, 816.13, 817.13, 818.13, 212, 242, 243, 249.5 and 249.12 to make findings as to the need to preserve affordable housing in San Francisco and to prohibit the demolition of residential buildings with 20 or more dwelling units unless the applicant for the proposed demolition provides documentation that the residential building requires substantial rehabilitation, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
(Proposed for Indefinite Continuance)

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

9. 2003.0872D (D. DIBARTOLO: (415) 558-6291)
40 VALPARAISO STREET - north side between Taylor and Mason Streets; Lot 034 in Assessor's Block 091 - Request for Discretionary Review of Building Permit Application No. 2003.0313.9586 proposing the construction of a new approximately 820 square foot third-story addition atop the existing two-story single family dwelling unit. The subject property is located in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.
Preliminary recommendation: Take Discretionary Review and approve the project with modifications.

DISCRETIONARY REVIEW APPLICATION WITHDRAWN

SPEAKER(S): None

ACTION: Discretionary Review Application Withdrawn

10. 2003.1186D (M. SMITH: (415) 558-6322)
306-308 CORBETT AVENUE (A.K.A. 300 CORBETT AVENUE)- northwest corner of Corbett Avenue and Mars Street, Lot 001 in Assessor's Block 2660 – Request for Discretionary Review of Building Permit Application No. 2002.05.17.6897, proposing to construct a four-story over garage two-family dwelling, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of November 20, 2003)
DISCRETIONARY REVIEW APPLICATION WITHDRAWN

SPEAKER(S): None

ACTION: Discretionary Review Application Withdrawn

B. COMMISSIONERS' QUESTIONS AND MATTERS

11. Commission Comments/Questions

Commissioner Feldstein:

- She wished everyone a happy Chinese New Year.

- She has an emergency and will be leaving early today.

- She requested that legislation is forwarded to the Commission from the Board of Supervisors include a cover sheet from staff with information on the timeline for commission review and any necessary action.

Commissioner Antonini:

- He hopes that in the future, the Commission can weigh in on certain legislative items.

Commissioner Bradford Bell:

- In the mist of the election of officers and all the other activities during last week's hearing, I neglected something very important. I'd like to take a moment to acknowledge the valuable contributions of ex Vice President Antonini. Although every member of the Commission is extremely important, his dedication and commitment to his responsibilities as vice president benefited not only me and the Commission, but also the citizens of San Francisco. Thank you.

Commissioner Antonini:

- He thanked everyone for this acknowledgement. He is happy to serve the City, the Board of Supervisors and the Mayor in any capacity he is wished to serve in.

- He feels that this is a very thoughtful as well as unified Commission and is happy to be a member.

Commissioner Secretary:

- She reminded the Commission that they have received the new Form 700 – Statement of Economic Interest. Although the filing deadline is April 1, 2004, she told the Commission that their deadline was March 1, 2004.

Commissioner Antonini:

- He wished good luck to Commissioner Sue Lee as the new Vice President.

Commissioner Bradford Bell:

- Informed staff that she wants to move forward the Arts Element.

Acting Director responded:

- Staff is preparing a budget to bring before the Commission on February 12, 2004. During this hearing there will also be a few expanded items that need to be done to carry forth the Mayor's vision.

C. DIRECTOR'S REPORT

12. Director's Announcements

- Wished everyone a happy Chinese New Year.

13. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

BOS – None

BOA – None

D. REGULAR CALENDAR

14. 2003.0966T

(P. LORD: (415) 558-6311)

FORMULA RETAIL USES - Consideration of an Ordinance to amend the Planning Code by adding Section 703.3 and by amending Section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for formula retail use to comply with the notice and design review procedures of Section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential District which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(Continued from Regular Meeting of January 8, 2004)

(+) Supervisor Matt Gonzalez

- He thanked everyone for their suggestions on strengthening this legislation.

- It is worth noting that this legislation will only impact a small group. The existing businesses in this City (24,600); of these (20,900) or 85 percent are single location businesses. Another 15 percent (16,680) are multiple location businesses and of these the vast majority have two locations only. About one percent or less of businesses would be really impacted by this legislation. This ordinance includes impact on neighborhood character, the increase of homogenization of neighborhood commercial districts, etc.

- There are some amendments he would like to address: 1) legislation is being prepared by the City Attorney that would get rid of the duplicative sections of the code related to 312 notice; 2) there would be an amendment on the findings regarding the special circumstances of hardware stores; 3) the City Attorney has offered to change the language regarding the ambiguity of the language: 50 percent or more of the merchandise offered for sale.... to say: 50 percent or more of in stock merchandise from a single distributor... This would help clarify that. 4) regarding Discretionary Reviews: he was trying to give guidance on how this consideration would be taken up by staff. The ordinance is useful because it articulates certain specific concerns to take into account.

- This ordinance is not really a one-size-fits-all that is often seen at the Board of Supervisors.

(-) Jennifer – San Francisco Soup Company

- They have six locations in San Francisco.

- This legislation will hurt small and growing businesses like the San Francisco Soup Company.

- This is really an anti progressive legislation.

(-) Steven Sarver – San Francisco Soup Company

- It would be very difficult for him to sign a lease because of this legislation.

- Some of the best locations would be unavailable to him and his company.

- The larger companies can take risks; smaller businesses cannot take these kinds of risks.

- He and his wife have worked very hard to establish their small business.

(-) Mel Washington – San Francisco Black Chamber of Commerce

- People have the right to small enterprise.

- The customers of San Francisco vote to go or not to small businesses.

- This legislation should not protect a select few and not protect small businesses.

- He owns a small business and is an entrepreneur.

- This legislation will have serious impacts on the people of this city and the cost that it takes for these people to live here.

(-) Linda Magellan – Union Square Merchant’s Association

- They have great concerns about this legislation.
- It is very difficult already for a business to establish a location.
- There should be a way to promote small businesses as well as continue to promote all businesses.

(-) Bruce Qualls – Real Estate Manager for Safeway

- The current system and processes for Discretionary Review and Conditional Uses work quite well.
- Grocery stores are quite essential to people.
- This legislation will make it quite difficult for grocery stores to continue to establish locations.

(-) Ana Shimko – Cassidy, Shimko and Dawson – Representing Safeway

- The Commission should advise the Board of Supervisor against this legislation.
- The City is not allowed to regulate competition and that is what this legislation is doing.
- Uses are permitted or essentially not permitted.
- Once a business is open, their permits can be overturned etc.
- The geographic information in the legislation is not clear.

(-) Nathan Nayman – Executive Director on the Committee on Jobs

- This measure is not needed.
- There is no consensus from the small business community.
- There seem to be other motives for trying to pass this legislation.
- There are ways that issues related to businesses can be dealt with without this legislation.
- This legislation would stop visionary entrepreneurs from establishing their headquarters in San Francisco.

(-) Patricia Breslin – Executive Director for the Golden Gate Restaurant Association.

- She urges the Commission to oppose this legislation.
- In this difficult economic time, it is not advisable to allow this type of legislation, which stops progress for small businesses and negatively impacts the economy of San Francisco.

(-) Ken Cleaveland – Building Owners and Managers of San Francisco

- One of the important things to remember is that local people, and many times, immigrants own chain stores. This legislation is discriminatory.
- He urges the Commission to reject this legislation.

(-) Richard Ventura – Executive Director of the Hispanic Chamber of Commerce

- It is very difficult for small businesses to operate in San Francisco.
- Entrepreneurs should be given the opportunity to open their businesses.
- The chamber opposes this legislation.

(+) Ed Bedard – Hayes Valley Neighborhood Association

- The association is mostly asking for neighborhood identification.
- Why do business owners want to sneak in to neighborhoods?
- Formula Retail uses really cost jobs.
- Locally owned and operated businesses will use other local businesses and provide jobs to more than just their employees.

(-) Matthew Baizer – Zao Noodle Bar

- He is strongly urging the Commission to oppose this legislation.
- Although he is not a destination business, he would like to expand to other neighborhoods.
- He receives many emails requesting that he open restaurants in other neighborhoods.
- He does use local architects, lawyers, etc.
- This legislation will only damage the progress of his business to other neighborhoods.

(-) Marilyn Amini

- There are a lot of issues that really need resolution.
- The Commission can request a continuance of 90 days.

- Seeing the level of controversy of this legislation, Supervisor Gonzalez should agree to this
- It would be to the interest of the Supervisor to grant an extension.
- The Commission should not move it forward.

(+) Peter Cohen – Hayes Valley

- He was impressed when the Commission deliberated long and hard over the Starbucks project.
- He was very impressed from by the comments of the Commissioners.
- Hayes Valley requested a prohibition to these types of uses but this would probably be an exception to the rule.
- Many residents will probably be happy with the notification requirements.

MOTION: Motion to approve with modifications.
 AYES: Hughes and S. Lee
 NAYES: Antonini, Bradford Bell, Boyd, W. Lee
 ABSENT: Feldstein
 RESULT: Motion Failed. There was no substitute motion. The Legislation will be forwarded to the Board of Supervisors without Planning Commission Action.

15. 2004.0055M (S. SHOTLAND: 415-558-6308)
RESOLUTION OF INTENT TO INITIATE AMENDMENTS TO THE GENERAL PLAN SO THAT IT CONFORMS WITH THE REDEVELOPMENT PLAN FOR THE TRANSBAY REDEVELOPMENT PROJECT, THE TRANSBAY REDEVELOPMENT PROJECT AREA DESIGN FOR DEVELOPMENT, AND THE DEVELOPMENT CONTROLS AND DESIGN GUIDELINES FOR THE TRANSBAY REDEVELOPMENT PROJECT - Initiation of a General Plan Amendment - Pursuant to Planning Code Section 340, consideration of a Resolution of Intent to Initiate map and text amendments to elements of the General Plan, including: the Urban Design, Transportation, Recreation and Open Space Elements, and the Downtown, South of Market, and Rincon Hill Area Plans to bring them into conformity with the Redevelopment Plan for the Transbay Redevelopment Project, the Transbay Redevelopment Project Area Design for Development, and the Development Controls and Design Guidelines for the Transbay Redevelopment Project.
 Preliminary Recommendation: Adopt a Resolution of Intent to Initiate General Plan Amendments.

SPEAKERS:

(-) Marilyn Amini

- She is amazed at the intent expressed in the wording on the agenda.
- Law requires that projects be in conformity with the San Francisco General Plan.
- This initiation was not noticed as required.
- She is curious to know why this was not properly noticed.

ACTION: Approved intent to initiate General Plan Amendments.
 AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 ABSENT: Feldstein
 RESOLUTION: 16716

- 16a. 2002.0580D (M. SMITH: (415) 558-6322)
90 MARS STREET (A.K.A. 26 DEMING STREET) west side of the street between Corbett and 17th Streets, Lot 016 in Assessor's Block 2654 – Request for Discretionary Review of Building Permit Application No. 2002.05.31.7958, proposing to construct a three-story, single-family dwelling at the rear of an existing vacant lot located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

(Continued from Regular Meeting of November 20, 2003)

SPEAKERS:

(-) Victor Reda – Discretionary Review Requestor

- His concerns are the negative effects on his living environment, safety and quality of life.
- This proposal is a major change from the original proposal exposed at a Variance hearing.
- It is important that no resident owner was represented at any of the deliberations when the changes were made.
- As per the Residential Design Guidelines, the proposed building is not in harmony with the patterns of the surrounding buildings. There is no respect for the pattern of building entrances. There is no respect for rear yard patterns. The project does not lessen the potential impact on light and air or lessen the potential impact on privacy. Buildings should be similar in scale and roof forms should be compatible to adjacent buildings.

(-) Todd Olsen

- The street access to the subject proposal is one foot short of code requirement.
- The garage would cause a lot of traffic and major safety issue problems.
- Many of the occupants in the adjacent homes are senior citizens.
- The building will be overwhelming for the entire neighborhood.

(-) Ursula Eglund

- Because of it's unusual narrowness, having a garage on Deming Street would be quite dangerous.
- It is difficult for her to understand why there would be an allowance for this type of project.
- She urged the Commission to vote down this project.

(-) Richard McKray - EVPA

- He has lived in Eureka Valley for 35 years.
- He displayed a map of the Eureka Valley watershed pointing out that the property in question should allow more curbside parking. There are many neighbors who have done constructions very creatively and have less of an impact.
- Eureka Valley has many beautiful rock formations.

(-) Richard Kaprowski

- Although his lot is adjacent to the project site, he was never notified of this project.
- The wall that will be built will block the light to his garden and affect the quality of life to his home.
- The project will also break the pattern of the back yards on the block.
- He urged the Commission to take a close look at these plans.

(-) Tom Archer

- He is opposed to the Variance and the setback.
- He is in favor of the green open space corridor that will be affected by this project.
- He feels that encroaching little by little and squeezing in this project will affect the serenity and bird life of the area.
- There are beautiful rock formations in the area that should be protected.

(-) Shana Tafilla

- There are many people who were here opposed to the project but had to leave.
- It is quite impossible to find parking on the street where the proposed project will be.
- She implored the Commission to review this closely.

(-) Rob Kosten

- He is a tenant at a structure near the proposed project.
- His unit is in the back of the proposed project. This project will negatively impact the quality of his life.
- He supports taking Discretionary Review.

(+) Alice Barkley – Representing the Project Sponsor

- She displayed the original proposal that the Discretionary Review requestor had supported.

- The new plans are the result of various conversations with neighbors. It is unfortunate that many of the neighbors are split in their support of this project.
- The new building is no different than what the DR requestor had supported.
- There has been already a Discretionary Review requestor that has withdrawn their request.

(+) Lisa Burke

- She lives adjacent to the proposed building.
- She will also lose light in her back yard and live next to this big building.
- She supports this project because the project sponsor has deal with many of the issues she had.

(+) Martin Dean

- He represents 18 households who support this project.
- The developer has met with the neighborhood many times; the neighbors were able to agree on many of the revisions made.
- He feels that they have reached reasonable accommodations by the developer.

(+) Joseph Schatz

- He is representing two property owners.
- The developer has been the most accommodating developer he has ever worked with.
- The housing is very desperately needed.
- He urges the Commission to approve the project without further delay.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 16b. 2003.1170D (M. SMITH: (415) 558-6322)
96 MARS STREET (A.K.A. 300 CORBETT AVENUE) - northwest corner of Corbett Avenue and Mars Street, Lot 017 in Assessor's Block 2654 – Mandatory Discretionary Review, under Planning Commission's policy requiring review of new construction in conjunction with housing demolition for Building Permit Application No. 2003.03.21.0319, proposing to construct a four-story over garage single-family dwelling that is one in a pair of side-by-side buildings on the same lot, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.
 (Continued from Regular Meeting of November 20, 2003)

SPEAKER(S): Same as those listed for Item 16a.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 16c. 2003.1187D (M. SMITH: (415) 558-6322)
300 CORBETT AVENUE - northwest corner of Corbett Avenue and Mars Street, Lot 017 in Assessor's Block 2654 – Mandatory Discretionary Review under Planning Commission's policy requiring review of new construction in conjunction with housing demolition for Building Permit Application No. 2003.03.10.9221, proposing to construct a three-story over garage single-family dwelling that is one in a pair of side-by-side buildings on the same lot, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.
 (Continued from Regular Meeting of November 20, 2003)
 SPEAKER(S): Same as those listed for Item 16a.
 ACTION: Did not take Discretionary Review and approved the project.
 AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 ABSENT: Feldstein

- 16d. 2003.1104D (M. SMITH: (415) 558-6322)
300 CORBETT AVENUE - northwest corner of Corbett Avenue and Mars Street, Lot 017 in Assessor's Block 2654 - Mandatory Discretionary Review under Planning Commission's policy requiring review of housing demolition of Demolition Application No. 2003.03.10.9220, proposing to demolish an existing two-story, single-family dwelling (the project also proposes the construction of two side-by side single-family dwellings on the same lot) located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted
(Continued from Regular Meeting of November 20, 2003)

SPEAKER(S): Same as those listed for Item 16a..
ACTION: Did not take Discretionary Review and approved the project.
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
ABSENT: Feldstein

17. 2003.1247D (M. SMITH: (415) 558-6322)
41 JERSEY STREET - south side of the street between Church and Dolores Streets, Lot 049 in Assessor's Block 6535 - Request for Discretionary Review of Building Permit Application No. 2003.08.12.1812, proposing to construct a two-story horizontal addition with a roof deck at the rear of the building located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted

SPEAKERS:

(-) Marlene Duschek

- She lives next to the proposed project.
- Her house is already kind of dark because it is set back from the adjacent homes.
- There is mold and mildew in the area.
- She feels that the proposed project will affect negatively her light and air.
- She will also have a negative impact on the view from her home.
- She is concerned with the privacy she will lose with the proposed deck.
- One of the neighbors who were in support of the project will be moving and selling their home so she is concerned of what will happen then.

(-) Adolpho Martinez – General contractor

- The project will affect the Discretionary Review requester who is chronically ill because of the construction pollution.
- The neighbor is allergic to everything except the dog.

(+) Leslie Tick

- She submitted a document relative to the Discretionary Review request.
- This project has no exceptional or extraordinary impacts to any of the adjacent homes.
- She would just like to build another bedroom and a family room.
- She and her husband have two children that share a room. They are starting to get overcrowded.
- The Discretionary Review requestor is allergic to cats but she has cats.

(+) Jim Fischer

- One of the adjacent neighbors has been very amenable and has worked with them on dealing with the issues.
- They are also available to answer any questions.

ACTION: Did not take Discretionary Review and approved the project.
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
ABSENT: Feldstein

- 18a. 2003.0900D (G. NELSON: (415) 558-6257)
42 BEAUMONT AVENUE - east side between Geary Boulevard and Anza Street, Lot 22 in Assessor's Block 1086 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Building Permit Application No. 2002.11.01.0541, proposing to demolish a two-story building containing one dwelling unit. The subject property is in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve demolition. (Continued from Regular Meeting of November 20, 2003)

SPEAKERS:**(+) Pat Buskovitch**

- He is not the project engineer for the new building, he is just the project engineer evaluating the demolition of the building.
- The building was demolished by a major fire and sat there for three years. All that is left is to scrape the lot.
- This building is a public nuisance.

(+) Jeremy Paul

- He gave a PowerPoint presentation on the general aspects of the project.

(-) Daniel Duncan

- He thanked the Commission for allowing the public to have these hearings.
- He will be extremely impacted environmentally by this project.
- He displayed pictures of the outside of his home and showed how the project will affect negatively his home by cutting out a chunk of light and air.
- Parking in the area is at a "crisis" level.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 18b. 2003.0866D (G. NELSON 415-558-6257)
42 BEAUMONT AVENUE - east side between Geary Boulevard and Anza Street, Lot 22 in Assessor's Block 1086 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolitions, of Building Permit Application No. 2002.11.01.0552, proposing to construct a four-story building containing two dwelling units and two off-street parking spaces. The subject property is in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

SPEAKER(S): Same as those listed for Item 18a.

ACTION: Took Discretionary Review and Approved the Project as Modified:

- The applicant shall modify the project to reduce the projection of the building into the rear yard of the property and to provide increased space between the rear yard structure at 50 Beaumont and the proposed subject building. The Commission indicated that the revised structure should comply with the Planning Code and not require a rear yard Variance.
- The applicant shall modify the project so as to eliminate those ground floor elements that may lend themselves to the creation of an illegal ground floor unit. Modifications to the ground floor are to include, specifically, the removal of the hallway from the street to the rear of the ground floor, the elimination of any shower, tub, or other bathing apparatus, and the modification of the rear stair to make it

"open" (i.e. not able to be closed off by the simple addition of doors at either end). The modifications should result in the clear incorporation of the ground (aka first) floor habitable space into the second floor unit.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 ABSENT: Feldstein

- 18c. 2003.0866V (G. NELSON: (415) 558-6257)
42 BEAUMONT AVENUE - east side between Geary Boulevard and Anza Street, Lot 22 in Assessor's Block 1086 - Request for Variance to Rear Yard requirements to allow construction of a new four-story building, a portion of which would be located in the required rear yard. The first, second and third floors of the four-story building would extend 5 feet 9 inches into the required rear yard, and exterior stairs to the third floor level would extend an additional 6 feet 8 inches into the required rear yard. The building would contain two dwelling units. The subject property is in an RH-2 (Residential, House, Two Family) District and a 40-X Height and Bulk District.
 (Continued from Regular Meeting of November 20, 2003)

SPEAKER(S): Same as those listed for Item 18a.

ACTION: Zoning Administrator closed the public hearing and denied the Variance.

19. 2003.1306D (G. NELSON: (415) 558-6257)
594 48TH AVENUE - east side between Geary Boulevard and Anza Street; lot 016M in Assessor's Block 1497 - Staff-Initiated Discretionary Review to review Building Permit Application No. 2003.07.23.0202, proposing the modification of a previously approved permit to add a partial third story to a two-story single-family dwelling within an RH-1 (Residential, House, Single-Family) District and a 40-X Height/Bulk District. On April 7, 2003 the applicant was issued a Building Permit (BPA No. 2002.03.20.1980) to construct a partial third story addition in conformity with the plans approved at a public hearing for Discretionary Review on September 26, 2002 (Case No. 2002.0718DDDD). The current proposal is to enlarge the partial third floor addition by extending the approved envelope toward 48th Avenue by approximately 9 feet. Since this proposal represents a significant change from what was originally approved, Staff has initiated a new Discretionary Review public hearing to review this proposal.
 Preliminary Recommendation: Take Discretionary Review and disapprove the building permit application.

19. 594 48TH AVENUE

SPEAKERS:

(+) Raymond Aukker – Project Sponsor

- He purchased his home five years ago.
- He is seeking approval for an enclosed deck.
- He has applied and paid for city permits on previous construction projects he has done to his home.
- It has been seven months since he applied for this permit.
- He has discovered that many of the windows are too old and require replacement.
- He jumped the gun on the installation of the top floor windows. He has submitted a letter to the Commission explaining the reason for this.
- He will voluntarily remove the windows on the third floor and purchase and install the windows required by the revised plans.
- He will absorb the penalty of the lost time and the cost of replacing the windows.

(+) John Lum – Project Architect

- The main reason for the Discretionary Review was for the third floor.
- The exceptional and extraordinary situation is that his client naively proceeded ahead with the proposed construction.
- He is feeling very comfortable with the current plans.

- This project is a small addition to an already approved third story.
- The reason why this project has been designated for disapproval by staff is because it would seem as if the project sponsor is being rewarded for going ahead with construction without it having approved permits.

(+) Edward Jong

- He is a neighbor of the project sponsor.
- He prefers the enclosed deck because it will be a more balanced design.
- If the deck is open, it will be a big deck on a peaked roof. This would be contradictory to the neighborhood.
- None of the houses in the area have such large decks.

(+) Barry MacDonnell

- He reviewed the architectural drawings and has seen the construction. He supports the project.

(+) Joyce Belli

- She lives on Anza Street.
- Enclosing the deck and moving the windows with the original design will be in keeping with the design of the homes in the neighborhood.

(+) Harrold W. Woodson, Jr.

- His home is three houses from the proposed house.
- The project sponsor has done a wonderful job improving his home.
- The revised symmetrical design is more in character with the neighborhood.
- He recommends approval of this project.

(+) George Orbelian

- He lives two houses away from the project sponsor.
- The project sponsor's home is quite beautiful and has gone out of his way to be considerate to his neighbors.
- He hopes that the Commission will support this project.

ACTION: Took Discretionary Review and Disapproved the Project. The Commission required staff to issue a letter of notification to the Department of Building Inspection of changes. They also required the project sponsor pay time and material to the Planning Department.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 20a. 2003.1251D (R. CRAWFORD: (415) 558-6358)
187-189 LOWER TERRACE - south side between Roosevelt Way and Levant Street.
 Assessor's Block 2627 Lot 033 - Request for Discretionary Review of Building Permit Application No. 2002.1104.0731, to construct a new three story two family dwelling on a vacant lot in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications.

SPEAKERS: None

ACTION: Without hearing, item continued to February 12, 2004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 20b. 2003.1256D (R. CRAWFORD: (415) 558-6358)
191-193 LOWER TERRACE - south side between Roosevelt Way and Levant Street.
 Assessor's Block 2627 Lot 032 - Request for Discretionary Review of Building Permit Application No. 2003.0828.3384, to lift the existing two story, two family residential building 5 feet to develop a new floor of occupancy beneath the existing building, and

develop a two car garage on the street level in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications.

SPEAKERS: None

ACTION: Without hearing, item continued to February 12, 2004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

21. 2003.1103D (G. CABREROS: (415) 558-6169)
 7909 – 7911 GEARY BOULEVARD - south side between 43rd and 44th Avenues; Lot 046 in Assessor's Block 1501 - Request for Discretionary Review of Building Permit Application No. 2001.06.08.1143 proposing to construct a two-story rear addition, 10-feet in depth, to the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

SPEAKERS:

(-) Nea Hanscomb – Discretionary Review Requestor

- She is wondering why all the photographs she submitted are not in the packet presented to the Commission.

- The area is already very congested.

- She is wondering why the project sponsor is not being required to comply with the 45 percent clear space in the rear yard with a 12 foot extension.

(+) Paul Detimofeev

- The Discretionary Review requester submitted her version of the proposed project.

- He requested that the Discretionary Review requestor's overhead version of the project be disregarded because it is not accurate.

- The DR requestor's blinds from the window near the proposed deck are always drawn.

- He does not believe that the proposed deck will invade any privacy of the DR requestor's home.

- Regarding the noise disturbance: the proposed deck is quite small so he is certainly not hosting a "dance party" on it.

- He and his wife always chose to park outside and not inside the garage.

- He has spoken to other neighbors and they are agreeable with the project.

ACTION: Did not take Discretionary Review and Approved the Project.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

22. 2003.0860D (E. TOPE: (415) 558-6316)
 357 HOWTH STREET - east of Howth Street between Mount Vernon Avenue and Ridge Lane; Lot 013 in Assessor's Block 7035 - Request for Discretionary Review of Building Permit Application No. 2003.04.21.2744, proposing a one-story (over storage) rear horizontal extension and stairs leading from the new addition to the rear yard, to an existing single family dwelling within an RH-1 (House, One-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

Re: Continuance

Cristian Ard

- There has already been a continuance before because the permit applicant was out of compliance.
- Now the applicant is doing construction work without a permit.
- He does not think that all these continuances are fair.

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

23. 2003.0110DD (K. McGEE: (415) 558-6367)
1921 PALOU AVENUE - south side between Rankin and Silver Avenue, Lot 042 in Assessor's Block 5330 - Request for Discretionary Review of Building Permit Application No. 2001.10.04.9988 proposing to construct a new single-family, two story dwelling unit on a vacant lot. The subject property is located in an RH-1 (Residential, House, One-Family) Zoning District and in a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

SPEAKER(S):

(-) Frederic Campagnoli – Representing Discretionary Review Requestors

- There will be a light well on the East side of the property and a light well on the West side--therefore not denying any bedrooms of light.
- The new Residential Guidelines encourages light wells.
- There is a need in the City to provide housing for the mentally disabled.
- A three-foot setback is still necessary on the West side because there is an egress.
- He is willing to compromise although he is still concerned with the size of the building.
- If the windows were blocked off, there would be a loss of light to the two adjacent homes. This would cause a negative impact on the livelihood of the care homes.

(+) Jeremy Paul

- There is a recordation against one of the Discretionary Review requestor's from 1987 recorded by the Property Conservation Division of the Department of Building Inspection which states that the building built in 1923, in the event that the space on the East side of the building is built upon, thereby obstructing the windows of the building, a light and air easement will be obtained, or the windows will be blocked off and the required light and air ventilation will be required for the rooms affected.
- There was a property conservation inspection of the occupancy back in the 80s and the permits are still open on bringing the building up to code.
- There are many issues that the Building Code does not permit the Commission to tread on.
- The current design proposes light wells on both sides of the property to provide reasonable accommodations to the windows that are there.

(+) Pat Buskovitch

- He is very familiar with the code requirements.
- He has never seen a building with seven windows on the property line.
- There cannot be egress windows on property lines.
- The Building Department does not want people egressing across property lines.
- There are some fundamental issues with the adjoining property.

ACTION: Took Discretionary Review and approved the project with the following modifications: extend the proposed lightwell on the east side to the ground floor, thereby providing light and ventilation to the bedroom windows of the adjacent property. The extension of this lightwell is expected to block the passageway to the rear of the proposed unit, thereby eliminating any direct access to the rear rooms and the possible creation of an illegal dwelling unit at the ground floor.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

24. 2003.1315D

(K. McGEE: (415) 558-6367)

2116 18TH STREET - north side between Kansas and Vermont Streets, Lot 21 in Assessor's Block 4010. Request for Discretionary Review of Building Permit Application No. 2001.10.04.9988, proposing to add a 300 square foot vertical addition to the existing dwelling unit. The subject property is located in a RH-2 (Residential, House, Two-Family) Zoning District and in a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKE(S):

Re: Continuance

Lewis Epstein

- He has no objection to continuing this item to February 20, 2004.
- The Project Sponsors are in India and will be back in the middle of February.

Mary Louise Green

- She lives next door to the subject project.
- Mr. Epstein has not been able to speak to the Project Sponsor but there are other neighbors who have.
- The Project Sponsors have been planning this trip for a long time.
- She is amenable to the continuance date so there could be further conversations with the Project Sponsors return.

John Carney

- It is only fair to allow the continuance to February or March.

Re: Merits of the Project

(-) Lewis Epsten

- He just discovered that the project sponsors were in India and will not be back.
- The building is being built on top of a crawl space.
- He resolves to appeal the project if there is no postponement.

ACTION: Did not take Discretionary Review and Approved the Project

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

25. 2003.1164D (M. WOODS: (415) 558-6315)
6725 CALIFORNIA STREET - south side between 29th and 30th Avenues, Lot 47 in Assessor's Block 1404 - Request for Discretionary Review of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

SPEAKER(S):

(name unclear)

- He does not have any objections to the project except for a light well that will be blocked.
- This would cause a negative impact to a second story window that leads to the kitchen.
- All he is asking is that the project sponsor to find a way to either preserve the two feet separation or provide us a similar size light well.
- (+) Joel Yodowitz – Reuben and Alter – Representing Project Sponsor**
- Rather than seeking to demolish this house, the project sponsor has decided to elevate the house, put in a garage and remodel the house.
- He is ready to agree to a third light well.
- He displayed a photograph of the front view of the subject property and the Discretionary Review requestor's home.

- The light well in question does not extend fully to the floors of the adjacent home.
- The project sponsor has tried to accommodate the Discretionary Review requestor's concerns.

(+) Jason Lakehammer – Project Architect

- He displayed photographs showing how the lightwell requested would have a huge impact on the feasibility of the project and the feasibility of keeping the existing structure. Also, it goes beyond what the Residential Design Guidelines are asking for.

(+) Maria Butcher – Project Sponsor

- It is very important to her to save this house.
- She does not want to build a monster house and neither do her neighbors.
- She asks that the Commission approve the project without a third light well.

ACTION: Hearing Held. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 26a. 2003.1012D (F. JONES (415) 558-6477)
168 29th STREET - south side between Dolores Street and San Jose Avenue; Lot 017 in Assessors Block 6617. Mandatory Discretionary Review of Building Permit Application No. 2003.06.04.6254 pursuant to the Planning Commission's policy requiring review of all residential demolitions. The proposal is to demolish an existing 1-story, residential unit with commercial space in an NC-1 (Neighborhood Commercial Cluster) 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve Demolition.
 (Continued from Regular Meeting of December 18, 2003)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 26b. 2003.1316DD (F. JONES (415) 558-6477)
168 29th STREET - south side of 29th Street between Dolores Street and San Jose Avenue; Lot 017 in Assessors Block 6617. Mandatory Discretionary Review of Building Permit Application No. 2003.06.04.6258 pursuant to the Planning Commission's policy for review of all new residential construction. The new construction is also the subject of a Discretionary Review filed by an adjacent neighbor. The proposal is for the new construction of a four-story, four-unit building in an NC-1 (Neighborhood Commercial Cluster) 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

27. 2003.1166D (B. FU: (415) 558- 6613)
1130 GILLMAN AVENUE - east side between Hawes and Ingalls Streets, Lot 005 in Assessor's Block 4938 - Request for Discretionary Review of Building Permit Application No. 2003.04.09.1845 proposing to construct a two-level rear addition to the existing two-

level building in an RH-1 (Residential, One-Family) District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Linda Todd – Discretionary Review Requestor

- She and her mother have lived at this house for about 51 years.
- She is protesting the proposed construction because it will have a detrimental impact on their living environment.
- She has no intention on moving or adding on to their house.
- If an addition is extended further than her house, they will suffer from lack of ventilation and sunlight.
- She would hope that the Commission will consider the impact they will have.
- She would request that the addition not extend further than their house.

(-) Jacqueline Phillips

- She knows the Discretionary Review requestors.
 - The DR requestors will have their sunlight and view blocked by the new construction.
 - One of the DR requestors is an elderly lady and she spends a lot of her time inside.
- She does not drive so stepping outside of the back part of her house is the only way she gets some light and air.

(-) Frank Dawson

- He does not agree that the proposed construction will "enhance" the neighborhood.
- It will bring more congestion to the neighborhood. The house is located near Candlestick Park so there is a lot of traffic already.

(+) Jose Gonzalez – Project Architect

- This addition does not significantly affect the DR requestors light and ventilation.
- The rear elevation was designed similar to what is designed in homes in the neighborhood.
- The project sponsors have gone through the proper permits and procedures.
- The design has been modified twice by request of the Planning Department.
- If further reductions are required, it would affect the project completely.

ACTION: Took Discretionary Review and approved the project with modifications: Require that the building set back three (3) feet (on the second floor only) for a length of 14 feet to the rear deck and that a Notice of Special Restrictions be recorded.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

- 28a. 2003.0890DV (B. FU: (415) 558- 6613)
1637 19TH STREET - southeast corner of 19th and Wisconsin Streets; Lot 026 in Assessor's Block 4069. Mandatory Discretionary Review of Demolition Permit Application No. 2003.08.14.2046 pursuant to the Planning Commission's policy requiring review of housing demolition, to demolish an existing two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

SPEAKER(S):

(+) David Sternber – Project Architect

- He submitted a letter of support from the neighbors.
- The house is in extreme disrepair.
- Most of the neighbors are in support of the new construction.
- The project sponsor is trying to do a modest construction.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 ABSENT: Feldstein

- 28b. 2004.0015D (B. FU: (415) 558- 6613)
1637 19TH STREET - southeast corner of 19th and Wisconsin Streets; Lot 026 in Assessor's Block 4069. Mandatory Discretionary Review of Building Permit Application No. 2003.08.14.2054 for the new construction of a two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S): Same as those listed for Item 28a.

ACTION: Did not take Discretionary Review and approved the project with the following condition: reduce height of stairs at penthouse.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

ABSENT: Feldstein

- 28c. 2003.0890DV (B. FU: (415) 558- 6613)
1637 19TH STREET - southeast corner of 19th and Wisconsin Streets; Lot 026 in Assessor's Block 4069, in a RH-2 (Residential, Two-Family House) District with a 40-X Height and Bulk Designation. A Variance is also required for the construction of the building within the required front setback area and without the required landscaping area.

SPEAKER(S): Same as those listed for Item 28a.

ACTION: Zoning Administrator closed the public hearing and granted the Variance.

- 29a. 2002.0605CV (J. IONIN: (415) 558-6309)
4614-4630 CALIFORNIA STREET - "The St. James Episcopal Church and Pre-School"; Lot 049 in Assessor's Block 1368 - Request for Conditional Use authorization pursuant to Section 209.3(f) & (j) of the Planning Code to allow for the demolition of existing structures and construction of a new building for the St. James Episcopal Church administrative facilities, offices for non-profit counseling accessory to the church-related services, and a child-care facility providing less than 24-hour care for 13 or more children by licensed personnel within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of December 18, 2003)

SPEAKER(S):

(+) Mary Moore Gaines – Project Sponsor

- She has watched the congregation grow rapidly and significantly.
- They have had their preschool for 41 years.
- The Richmond District is very underserved for this type of service.
- There are a few worn out buildings that need to be replaced that will serve the community.

ACTION: Approved with the following Conditions of Approval:

1. This authorization is to demolish existing church related structures and construction of a new building for the St. James Episcopal Church administrative facilities, offices accessory to the church-related services, a community facility, and a child-care facility providing less than 24-hour care for 13 or more children by licensed personnel on the property at 4614-4630 California Street, Assessor's Block 1368, Lot 049, in general conformity with the plans identified as EXHIBIT B, dated May 2003, and reviewed by the Commission on January 22, 2004.

2. The authorization granted herein shall be valid for a period of three (3) years from the date of the adoption of Motion No. 16717 and shall become null and void after that time if the required building permits have not been obtained.
3. The authorization granted herein is contingent upon the granting of rear yard and off-street parking variances by the Zoning Administrator.
4. The Applicant shall enter into an agreement with the tenant of the dwelling unit to be demolished for logistical and financial assistance to relocate.
5. The pre-school facility shall be limited to 68 children between the ages of 2 and 5.
6. A neighborhood liaison shall be made available to respond to neighborhood concerns and monitor traffic at the drop-off site for the pre-school.
7. Once the number of pre-schoolers reaches a level where the drop-off site begins to back-up and impede the flow of traffic along California Street, a traffic coordinator shall be implemented to regulate the drop-off location and assist the flow of traffic.
8. The community facility shall be limited to hours of operation between 7:00 a.m. and 10:00 p.m..
9. The accessory office space shall be limited to a quarter of the total floor area occupied by the Church and leased to non-profit tenants only, except as an integral part of the Church or Child-Care facility as determined by the Zoning Administrator.
10. Noise and odors shall be contained within the premises so as not to be a nuisance to nearby businesses or residents.
11. An enclosed waste storage area shall be provided within the establishment. All trash and recycling containers shall be kept within the building until pick-up by the disposal company.
12. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).
13. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3, and 306.4 of the code to consider revocation of this conditional use authorization.
14. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder/County Clerk.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 ABSENT: Feldstein
 MOTION: 16717

- 29b. 2002.0605CV (J. IONIN: (415) 558-6309)
4614-4630 CALIFORNIA STREET - Request for Parking and Rear Yard Variances. Article 1.5 Section 150(b) of the Planning Code requires child care facilities to provide one independently accessible off-street parking space for every 25 children, where the number of such children exceeds 24. Section 150(d) requires that existing parking spaces be retained. The project proposes no new off-street parking spaces where 2 are required. Article 1.2 Section 134 of the Planning Code requires a 45 percent rear yard, which can be reduced to 25 percent through averaging or 15 feet whichever is greater. The project proposes a 15 foot rear yard where 25 feet are required.
 (Continued from Regular Meeting of December 18, 2003)

SPEAKER(S): Same as those listed for Item 29a.
 ACTION: Zoning Administrator closed the public hearing and granted the Variance.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 10:05 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, February 19, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 5, 2004

MAR 26 2004

SAN FRANCISCO
PUBLIC LIBRARY

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: Edgar E. Boyd

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:27 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Paul Maltzer; Matt Snyder; Kate McGee; Jim Miller; Joan Kugler; Nonnie Turrell; Michael Li; Jonas Ionin; Diane Lim; Costolino Hogan; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.1077C (E. TOPE: (415) 558-6316)
1970 McALLISTER STREET - north side between Central Avenue and Lyon Street, Lot 014 in Assessor's Block 1159 - Request for Conditional Use Authorization pursuant to Planning Code Section 185 to extend indefinitely the operation of an existing nonconforming automobile repair garage (Carlos Exclusive Auto Service) in an RM-1 (Residential, Mixed District, Low Density) and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions.
(Proposed for Continuance to February 19, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 19, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

- 2a. 2003.0295CV (G. NELSON: (415) 558-6257)
899 NORTH POINT STREET - southeast corner at Larkin Streets; Lot 026 in Assessor's Block 0020 - Request for Conditional Use authorization pursuant to Sections 209.1 and 228.3 of the Planning Code to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential, House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now in use as a parking lot. This proposal requires Conditional Use authorization because 1) it proposes a dwelling unit density of greater than 3 units in an RH-3 District and 2) it proposes to convert a service station use to residential use. This project is also seeking a Variance from the Planning Code, case No. 2003.0295CV.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of January 22, 2004)
(Proposed for Continuance to February 19, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to February 19, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

- 2b. 2003.0295CV (G. NELSON: (415) 558-6257)
899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 026 in Assessor's Block 0020 - Request for Variance from Section 134 of the Planning Code to construct a 4-story residential building into the required rear yard. Section 134 of the Planning Code states that the minimum rear yard depth in an RH-3 District shall be equal to 25 percent of the total depth of the lot on which the building is situated. Rather than leave a 22' wide gap in the North Point Street frontage, the proposal is to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior of the lot of approximately 1,480 square feet.
(Continued from Regular Meeting of January 22, 2004)
(Proposed for Continuance to February 19, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to February 19, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

3. 2003.1091C (D. DIBARTOLO: (415) 558-6291)
2696 GEARY BOULEVARD - northeast corner of Geary Boulevard and Emerson Street; Lot 004 in Assessor's Block 1071 - Request for Conditional Use Authorization pursuant to Section 712.83 of the Planning Code to install and operate a wireless telecommunication facility within an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and an 80-D Height and Bulk district, upon the roof of an approximately 84-foot tall self-storage building. As per the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 2, as it is a co-location site.
Preliminary Recommendation: Disapproval
(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 4, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

4. 2003.1038C (M. LI: (415) 558-6396)
1490 MASON STREET - east side above the Broadway Tunnel, Lot 046 in Assessor's Block 0159 - Request for conditional use authorization to construct a wireless telecommunications facility for Sprint PCS within an RM-2 (Residential, Mixed, Moderate Density) District and a 40-X Height and Bulk District. The facility will consist of four antennas and associated equipment cabinets on the roof of the building. The proposed facility meets Location Preference 1 of the WTS Guidelines.
Preliminary Recommendation: Approval with conditions.
(Continued from Regular Meeting of January 15, 2004)
(Proposed for Continuance to March 4, 2004)

SPEAKER(S):

Cristina Kimmons

- She is confused on what this case is about.
- There are a lot of teenagers and adults that use the healthcare center.
- Is there a significant reason why the property is being torn down?

ACTION: Without hearing, item continued to February 19, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

5. 1999.0233E (B. WYCKO: (415) 558-5972)
833 - 881 JAMESTOWN AVENUE - **Appeal of Preliminary Negative Declaration.** The project sponsor proposes construction of a Planned Unit Development (PUD) that would consist of 198 one-, two- and three-bedroom market-rate condominiums on an approximately 6.9-acre lot, located at 833-881 Jamestown Avenue on Assessor's Block 4991, Lot 277, on the northern slope of Bayview Hill. The site is currently used as an overflow parking lot for events at Candlestick Park, which is approximately one-third of a mile southeast of the project site. The site is bordered by Jamestown Avenue (and single-family homes on the north side of Jamestown) to the north, another vacant lot to the east that also is used for parking for major events at Candlestick Park, the hillside to the south, and single-family housing to the west. Although the area proposed for development is mostly flat, development would require excavation of up to approximately 30 vertical feet at the base of the hill. The project would consist of 11 separate three- and four-story buildings: seven buildings of 12 to 18 units each along Jamestown Avenue and four buildings to the rear, at the base of the hillside. Of these latter four structures, two (36 units each) would be built atop one-story gated parking garages, while smaller buildings (one of eight and one of 10 units) would flank the garages. A total of 216 independently accessible parking spaces would be provided. The proposed project would include landscaping along Jamestown Avenue, construction of a 10-foot-wide sidewalk, two off-street freight loading areas, and about 28,900 sq. ft. of common open space, including two rear yards at the base of the hillside totaling about 7,250 sq. ft. and podium- and ground-level patios. The project also would remedy an existing drainage problem on Bayview Hill above the project site, on Recreation and Park Department land. The project site is located within the South Bayshore Plan area, in an RH-2 (Two-Family) Use District and a 40-X Height and Bulk District. As a PUD, the project would require review and approval by the City Planning Commission pursuant to Sections 303 and 304 of the Planning Code.
(Continued from Regular Meeting of December 18, 2003)
(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 4, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

6. 1999.0233C (J. PURVIS: (415) 558-6354)
833-881 JAMESTOWN AVENUE - south side from Ingalls to Griffith Streets; Lot 277 in Assessor's Block 4991 - Request for Conditional Use authorization under Sections 209.1(g), 303 and 304 of the Planning Code for a Planned Unit Development with up to 198 dwelling units, including one-, two- and three-bedroom units within eleven separate three- and four-story buildings. The project would include up to 216 off-street parking spaces within two garages at the base of two interior residential buildings, and two screened off-street freight loading spaces. The site is 6.9 acres on the northern slope of Bayview Hill and is within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.
(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 4, 2004
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption – Draft Minutes of January 8, 15, 2004.

SPEAKER(S): None
ACTION: Approved with the following correction: For the minutes of January 8, 2004, on page 5 item 9 should be 899 North Point and not 699 North Point.
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

8. Commission Comments/Questions

Commission Secretary:

Re: Correspondence to Commissioners

- She emphasized that any electronic correspondence sent to the Commission should be copied electronically to her. She reminded the public that her email address is on the front of every agenda (linda.avery@sfgov.org).

Commissioner Hughes:

Re: Budget

- When will the Commission go over the budget?

Acting Director Badiner Responded:

- This item will be on the February 12, 2004 calendar and then again on the February 19, 2004 calendar.

C. DIRECTOR'S REPORT

9. Director's Announcements
None

10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
Board of Supervisors Meeting of January 27, 2004
Re: 1160 Mission Street
- The Commission heard this case on December 4, 2004.
 - The Board upheld the Commission's decision with modifications.
 - There was an agreement between the project sponsor and the appellant. This agreement consisted of the following: 1) increasing the number of bicycle parking stalls; 2) mitigation measures on the commercial parking garage entrance and its impact on the sidewalk and the bus lane; and 3) an agreement for four (4) stories for parking structure of that building instead of five (5).

Re: 899 North Point Street

- This item was continued to the meeting of February 10, 2004.

Board of Supervisors Meeting of February 3, 2004

Re: 201 Folsom and 300 Spear Street

- There was a final reading with a vote of +10 -1 with Supervisor Ammiano dissenting for the General Plan Map and Text Amendments for 201 Folsom and 300 Spear Street.
- This matter was heard as a committee as a whole.

Land Use Committee Meeting

- There was no Land Use Committee meeting this week.
- The matter of demolitions for 20 units or more will be heard this coming Monday.
- This was an ordinance by Supervisor Daly.
- This matter was not able to come before the Commission because the time period was not extended.

Other

Re: Ordinance

- Supervisor McGoldrick is drafting an ordinance on Public Benefit Zoning.
- He is trying to get some input on drafting this ordinance.

Re: Server's crashing

- He mentioned that one of the reasons much of the work the Planning Department has been working on has been delayed is because during the holidays, the server at our 30 Van Ness Avenue site for the Major Environmental Group crashed.

Commissioner Feldstein:

Re: Folsom/Spear Project

There was an article in the newspaper regarding the Folsom/Spear Project and the economic analysis of these projects performed by the Department. Supervisor Ammiano is proposing legislation to require such an analysis.

Acting Director Badiner responded:

- This information was made available to the Commission on the August 29, 2003 draft of the Rincon Hill plan that was released as a public record, but was never officially released as a Department document.
- There was a minor analysis done on it.
- Many people have told him that the analysis does not make a whole lot of sense. Staff states that it does.
- He is trying to coordinate with staff on what this analysis is and how accurate it is.
- It is a chart that analyzed up-zoning in general.

Commissioner Feldstein:

- It sounds like the analysis was done specifically for the Folsom/Spear Street project.

Acting Director Badiner Responded:

- He believes that the analysis was not specific to the Rincon Hill projects but generally regarding Rincon Hill.

Commissioner William Lee:

Re: Rincon Hill

- He would like to receive a written document of the Department's interpretation on this issue and the Sedway Report.

Commissioner Antonini:

Re: Rincon Hill

- He agrees with Commission Lee. He read the Sedway Report.
- It is important to respond to the Department on this issue.

SPEAKER(S):

Rua Graffis – United Taxicab Workers

- She is the Chairperson of the United Taxicab Workers.
- There is no taxicab zone at the project proposed at Rincon Hill.
- She requested that any time a hotel or a large apartment building is built there be a taxicab zone and handicap stands.

BOA –

Hearing of January 28, 2004:

Re: 1238 Masonic Street

- The Commission took Discretionary Review and disapproved this merger.
- The Board overturned the Commission's Decision by a vote of +4-0 to allow the merger to take place.
- This was a structure that was originally a single-family home and later converted to two units.

Hearing of February 4, 2004:

- Elections were held for President and Vice President.
- Kathleen Harrington was elected as President and Hisashi B. Sugaya as Vice President.

Re: 355 Country Club Drive

- The Commission took Discretionary Review and reduced the project size to 900 feet instead of 1,500 feet.
- The Board allowed an 1,100 foot addition by a vote of +5-0.

Re: 2518 Union Street

- A settlement was reached and it was no longer before the Board.

Re: 529 21st Avenue

- The Commission modified this project and approved it.
- The Board upheld the Commission's decision by a vote of +4-1 with one condition modified: that the entry conform to neighborhood character and required reflective paint on property line walls.

Commissioner Hughes:

- For the Board of Appeals hearing of January 28, 2004, there was a case scheduled regarding 341 Arkansas Street which was an appeal of the Zoning Administrator's decision to deny a Variance. He would like to know what happened on this case?

Acting Zoning Administrator Nikitas responded:

- He consulted with staff and the situation was that the applicant submitted a code complying solution which obviated the need for a variance. The case was not withdrawn but the appellants did not show up for the hearing so the Board upheld the decision to deny a variance.

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

Bruce Bauman

- He supports the Conditions of Approval.
- Regarding the findings, item No. 3: the project sponsor has an agreement with the adjacent neighbor.
- This agreement is to deed the land to him so instead of an easement there should be a lot line adjustment.

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

11. 2003.0892C (J. PURVIS: (415) 558-6354)
1350-1352 THOMAS AVENUE - north side between Ingalls and Jennings Streets; Lot 007 in Assessor's Block 4791 - Request for Conditional Use Authorization under Planning Code Section 121(f) to subdivide one lot into two lots of less than the minimum 25-foot width for the construction of two single-family dwellings. The existing lot is 37.5 feet wide, and the two newly created lots would be 18.75 feet wide, with an area of 1,875 square feet. The site is within an RH-1 (Residential, House, Single-Family) Zoning District with a 40-X Height and Bulk designation.
Preliminary Recommendation: Disapproval
NOTE: On November 13, 2003, following public testimony, the Commission closed the public hearing and continued the matter to January 15, 2004, to allow a presentation before the Bayview PAC. The vote was +4 -1. Commissioner Feldstein voted no. Commissioners Boyd and William Lee were absent.
NOTE: On January 15, 2004, the Commission entertained a motion of intent to approve and continued the matter to February 5, 2004 for final language by a vote +6 -1. Commissioner Feldstein voted no.

SPEAKER(S): None

ACTION: Approved with the following change to the findings: replace easement with a lot line adjustment.

AYES: Antonini, Bradford Bell, Hughes, W. Lee

NAYES: Feldstein and S. Lee

ABSENT: Boyd

MOTION: 16718

F. REGULAR CALENDAR

12. 2003.0868C (M. SNYDER: (415) 575-5891)
540 VALENCIA STREET (A.K.A. 542 VALENCIA STREET) - Blondie's Bar and No Grill, west side between 16th Street and 17th Street, Lot 6 in Assessor's Block 3568 - Request for Conditional Use authorization to allow "other entertainment" (as defined by Planning

Code Section 790.38), which includes live amplified music entertainment and DJs, in an existing bar, Thursday through Sunday. No change to the exterior of the building is proposed. The subject property is within the Valencia Neighborhood Commercial District and a 50-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of January 15, 2004)

SPEAKER(S):

(+) Philip Lesser – President of the Mission Merchant's Association

- This is proper land use.
- The integrity of the owners are pioneers in the area.
- The owner's have created a garden spot in their area.
- The Mission has become one of the most desirable places to visit in San Francisco.
- The weekend actually starts on Thursday nights.

(+) Niky Dweld – Project Sponsor

- She has been manager for 11 of the 14 years they have been in business.
- She has been a Mission District resident for 22 years.
- She monitors street activity and cleanliness.
- The Mission District is very rich in culture and diversity.
- Many of her patrons have expressed to her that they would like to have live music at the bar.

(+) Capt. Greg Corrales

- He has been in command of the Mission District for over two years.
- They have always tried to work with the businesses that have permit and the public to deal with disputes and disagreements.
- The project sponsor has always complied with everything the police department has requested.
- He would like all businesses in the Mission to flourish as well as provide a safe environment for everyone.

(+) Inspector Ganster - SFPD

- She is in support of this project.
- She was a police officer in the Mission when this application started.
- It is important for businesses to flourish and to make neighborhoods continue to be vibrant.
- There are many businesses that have turned over falling apart locations into established businesses.

(+) Roberto Hernandez – Mission Neighborhood Center

- A few month's ago he was asked by the Visitor's Bureau to give a tour of the Mission District nightlife.
- One of the locations was Blondie's.
- It was a pleasure to go into this establishment.

(+) Molly Cornell – Blondie's Bar and No Grill

- She read two letters from residents who live very near the bar and are in full support of the project.

(+) Mauricio Aviles

- Blondie's is not just an asset for the Valencia corridor; it is an asset for San Francisco.
- It would be crazy in these troubled economic times, to put controls on established businesses.

(+) Gregory Epley

- He has had a flat above Blondie's for about nine years.
- He has never had any problems from the bar.
- The owners have done extensive soundproofing of the bar.
- Sound engineers come to the bar frequently to test the sound decibels.
- The area has become a vibrant urban neighborhood.

(+) Kevin Parker – Blondie's Bar and No Grill

- He is in support of this project. The bar is a very clean place to work.

- He has been a musician in San Francisco for many years. He has seen a lot of the live band venues close down or move out of San Francisco.
- Musicians and artists should be allowed to live and work in San Francisco.

(-) Richard Schumer

- He lives and works across from the bar.
- There is a lot of car and foot traffic on that street.
- People illegally park on Valencia Street.
- If Blondie's is not economically viable without having a live band when the bar next door is, then that is the problem of the project sponsor.
- There was a deadly incident in the past where a bouncer from Blondie's was involved.

(+) David McCarthy

- He is a native and a resident of San Francisco.
- He has been going to Blondie's for many years.
- He has watched the bar improve many things.
- He would like the Commission to give the project sponsor a chance on this.

ACTION: Approved as Corrected: Condition No. 3 should be corrected that amplified music shall be heard from 2:00 p.m. to 8:00 p.m. on Sunday's.

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

MOTION: 16719

13. 2003.0940C (K. MCGEE: (415) 558-6367)
1469 18TH STREET - on the corner of 18th Street and Connecticut Street; Lot 27 in Assessor's Block 4036 - Request for Conditional Use Authorization to install a Walk-Up Facility, an Automated Teller Machine (ATM), without providing a 3 foot recess from the front property line, located in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and in a 40-X Height and Bulk District, per Planning Code Section 711.26.
 Preliminary Recommendation: Approval with conditions.
 (Continued from Regular Meeting of January 15, 2004)

SPEAKER(S):

(+) Kapa Askenazy

- There are various ATM's around the City that do not have permits and do not have a three-foot setback.
- They tried to find a way to do a three-foot recess but it was quite difficult.
- The ATM will be very useful in the area especially for people who just want to get a little cash and not do their entire banking.

(+) Luther Greulich

- He is opposed to the project. It is not necessary, desirable or compatible. There are a few ATM's already.
- The corner is a major intersection for busses.
- He is concerned about the double-parking in front of the ATM machine.
- The situation on that site is so bad that MUNI painted the curb on that area red so that busses can make turns.

(+) Jim Salinas

- This machine will not impact the neighborhood.
- There are about three or four popular restaurants in that area.
- Double parking is the norm there.
- The construction on the third street light rail is causing traffic problems already.
- He is surprised that the Potrero Hill people are not here to oppose this.

(+) Ron Miguel

- This would be a decent service.
- It is not taking a parking space away. It is actually a logical location.
- There are many restaurant's in the area.

(+) Irving Kavinsky

- He is the building owner.
- The ATM will be installed with all the proper permits.
- He took pictures of about 80 ATMs that are in terrible locations and obviously do not have permits.
- He hopes that the Commission will approve this. They are trying to provide a neighborhood service the right way.

(+) Cody Robertson

- There have been a lot of businesses opening in the area.
- The 24-hour ATM will be located in an ideal location.
- He owns a business in the area and will benefit from this ATM.
- The area has a lot of foot traffic that will be using the ATM.

ACTION: Approved with an amendment to Condition 6 limiting signage to the face of the machine.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

NAYES: Hughes

ABSENT: Boyd

MOTION: 16720

14. 2003.1082C (J. MILLER: (415) 558-6344)
1145 POLK STREET - west side between Sutter and Hemlock Streets, Lot 1 in Assessor's Block 691 - Request for authorization of a Conditional Use for extension of hours of operation to include the time between 2:00 and 6:00 A.M. ("Polk & Sutter 24 Hour Store & Deli")(Planning Code Section 723.27), in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District. No physical expansion or other alteration of the building is proposed.
 Preliminary Recommendation: Disapproval
 (Continued from Regular Meeting of January 15, 2004)

SPEAKER(S):

Re: Continuance

Jeffrey Washington

- There are some issues he still needs to discuss with the police department.

Re: Merits of the Project

(+) Jeffrey Washington – Project Sponsor

- He and his wife opened the store about a year ago.
- There are many bars in the area that do business until 2:00 a.m.
- Many people come to the store past 12:00 p.m. to get food or cigarettes.
- He does not sell liquor; he does not participate in prostitution, etc.
- He acknowledges that there is a lot of prostitution going on in the area.
- The Polk Street neighborhood is entitled to a late night store.
- He feels that he is unfairly singled out because of the problems in the area.
- The store is surrounded by glass so there will not be any people hiding there.

(+) Rua Graffis – United Taxicab Workers

- She is a cab driver.
- The owners of this store are quite wonderful. Whenever she wants to purchase a cup of coffee she just calls and they bring the coffee out to her.
- The project heard earlier, regarding a bar, was approved because it improved the area. This store will improve the area. It is always kept clean.
- She hopes that the Commission will approve this project.

ACTION: Intent to Approve: 1) project owner should enhance interior lighting; 2) install a door buzzer; 3) adhere to existing approved hours of operation; and 4) host neighborhood watch meetings. Project Sponsor

shall come back for review of the project in 6 months. Final Language:
February 19, 2004.

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

15. (J. A. KUGLER/P. MALTZER/N. HART: (415) 558-5983/558-5977/558-6338)
CEQA PROCEDURES FOR HISTORIC RESOURCES - Public hearing and Planning Commission review and comment on the methodology for reviewing projects to meet the requirements of the California Environmental Quality Act (CEQA) for Historical Resources. This proposal standardizes the evaluation of structures to determine if they qualify as historical resources and the appropriate environmental documentation required to implement CEQA. The document was released to the public in July, 2003 and was the subject of a public hearing at the Landmarks Preservation Advisory Board in November, 2003.
Preliminary Recommendation: Informational presentation to solicit comments from public and Commission members.

SPEAKER(S):

(-) **Bruce Bonacker – President of Architectural Heritage**

- Many people involved in the industry have been working hard to establish this policy.
- CEQA laws are very confusing.
- Reduces the importance of local designations, marginalizes state properties, public comment has been ignored by the Planning Department.
- Architectural Heritage has been working diligently together with the Planning Department.

(+/-) **Nan Roth**

- Will these properties be referred back to the project sponsor for further analysis?

(+/-) **Jeffrey Heller**

- A lot of things have been worked out with Heritage and the Landmarks Board.
- He hopes that the current policy contains regulations for preservation.
- It is important to keep the policy as straight forward and simple as possible.

(+/-) **David Cincotta**

- He commended the Planning Department for their effort on this policy.
- More work could be done.
- Consistency in the application of these guidelines is very important.

(-) **Sue Hestor**

- The surveys and records are very "spotty."
- Some staff works on projects that are really wonderful.
- There should be more scrutiny on demolitions.
- More resources need to be put into this.
- Staff should not be "cavaliering" on demolitions.

ACTION: No Action Required by the Commission

16. 2002.0376E (N. TURRELL: (415) 558-5904)
8 WASHINGTON STREET - Assessor's Blocks and Lots 201/12, 171/69, and 168/58 - **Appeal of a Preliminary Mitigated Negative Declaration**. The 109,225-square-foot project site is located at 8 Washington Street, between Drumm Street and The Embarcadero, on the edge of the financial district. The proposed project would involve the construction of an eight-story, 84-foot-tall, approximately 283,612-gross-square-foot (gsf), 120-unit, predominantly residential building with a health club facility and parking for 170 vehicles. The existing Golden Gateway Tennis and Swim Club facility would be removed and reconstructed on the northern portion of the project site. Pedestrian and vehicular access to the proposed residential/commercial building would be from Drumm Street. The site is zoned RC-4 (Residential-Commercial Combined, High Density) and is

in an 84-E height and bulk district. The project would require Conditional Use authorization for Planned Unit Development, for bulk limit exception, and for parking. Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration (Continued from Regular Meeting of December 11, 2003)

SPEAKER(S):

(-) Sue Hestor – Appellant

- She has agreed that her request to challenge the jurisdiction will be heard after this case. She did file it to be heard before this matter.
- Even a Negative Declaration has to be accurate.
- She represents Friends of the Golden Gateway. The major issue is that the project is being built on a site that has been recreation and open space that was built in conjunction with the Golden Gateway for 40 years.
- An issue that is central to this is, what is the affect of taking away the recreation space for a planned community when this is the densest residential community?
- Staff is “ducking” the housing issue.
- The project was approved by the Planning Commission as a PUD in the 60s.
- A formula was used for general athletic uses. This is not a general athletic use. It is a specific facility. Information should be given on traffic, transportation and use patterns based on the specific facilities.

(-) Thomas S. Lister – Resident of the Golden Gateway Center

- He and his wife have resided at the Golden Gateway since 1980.
- They will be directly affected by this project.
- A negative declaration gets this far and has to go through an appeal level. Many people were never contacted.
- He received only one phone call. Ever since then he has been trying to get in touch with someone, but to no avail.
- Putting 120 units in the area will overwhelm the sewage treatment of that facility.
- There will be traffic problems during and after construction.
- There will be economic impacts.

(-) Cris Biaty

- He lives in the Golden Gateway apartments.
- He is opposed to the project even though he is not a member of the tennis club.
- He is concerned about public safety.
- His apartment is on the 16th floor and can they see a lot of what goes on on the street.
- The area is not a safe situation for elderly and children regarding traffic.
- He does not feel that there has been enough study done on this.

(-) Ernestine Weiss

- She feels that there has not been enough traffic study done on the intersections surrounding the project.
- She has been able to get traffic lights in the area.
- There are a lot of seniors in the area and it could be dangerous for them.

(+) Pamela Duffy – Coblenz, Patch, Duffy and Bass

- There is no substantial evidence that this project could cause a significant negative impact on the environment.
- The Rec and Park department has done an analysis on the shadow impact.
- There has been an extensive traffic study done on the project.
- It has been one of the more thorough jobs done on this project.
- She urges the Commission to uphold the negative declaration.

ACTION: Negative Declaration Upheld
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee
ABSENT: Boyd and W. Lee
MOTION: 16721

- 17a. 2002.0376EIKC (M. LI: (415) 558-6396)
8 WASHINGTON STREET (AKA 370 DRUMM STREET) - northeast corner at Drumm Street, Assessor's Block/Lot 0168/058, 0171/069, and 0201/0 – Adopting findings pursuant to the California Environmental Quality Act (CEQA) in connection with the proposed development to construct an eight-story, approximately 84 foot high mixed-used building.
Preliminary Recommendation: Adopt CEQA findings.

SPEAKER(S):

Re: Jurisdiction of the Planning Department

Susan Cleveland-Knowles – Deputy City Attorney

- The office of the City Attorney has reviewed the letter submitted by Ms. Sue Hestor.
- The items before the Board of Appeals and the Planning Commission (except the Zoning Administrator determination) are distinct matters, although they are related.
- It is a matter of law that the Commission does have jurisdiction to take up the item this evening.
- It is possible that future decisions by either the Board of Appeals (BOA) or the Zoning Administrator would require another application to be made for this project.
- It is up to the Commission to either hear the item this evening or to continue the matter until the mentioned situations are resolved.

Commissioner Antonini:

- Would these appeals be upheld or necessary by either of the two bodies?

Deputy City Attorney Susan Cleveland-Knowles responded:

- She cannot make any predictions. The first appeal of the Zoning Administrator's determination was upheld by the BOA but there has been a request for a rehearing.
- The BOA has not decided to rehear or not.
- Regarding the second Zoning Administrator determination, there has not been a decision as of yet.

Commissioner Feldstein:

- Is it appropriate for the Commission to ask the Acting Zoning Administrator what the issue pending is and when a determination will be issued?

Acting Zoning Administrator Craig Nikitas responded:

- He received a letter requesting a determination on January 22, 2004.
- This matter has been assigned to a planner.
- Because the department is short staffed, the letter was taken in the order it was received. He did not feel there was a need to put the item ahead of this hearing.
- From a Planning Code point of view, he also believes that this hearing is properly before the Commission.
- Should his letter obviate the need for this hearing, or should it go the other way and be appealed and the BOA overturn his determination, they would bring back the entitlements for consideration.

Commissioner Feldstein:

- Can the Acting Zoning Administrator state what the question is or is this not proper?

Acting Zoning Administrator Craig Nikitas responded:

- The original letter which was upheld questioned whether this project should be heard as part of a reconsideration of the entire Redevelopment PUD in this area.

- The letter by the former Acting Zoning Administrator determined that this could be heard as a stand alone project separate of the entire consideration of the PUD.
- The second letter is a more "fine grained" question that asks whether the portions of some of the original PUDs entitling the residential portion of this were necessary in consideration of this project to be heard in its entirety?

Commissioner Antonini:

- He believes that somewhere in the 80s, the entire Golden Gateway project was no longer part of the Redevelopment and was moved under the auspices of the Planning Department.

Acting Zoning Administrator Craig Nikitas responded:

- It was in 1992 that the Redevelopment controls expired. The parcels in question were remanded to the control of the Planning Department.
- Another thing that happened was that prior to the mid-80s, Redevelopment projects of this sort were heard by the Planning Commission as PUDs and Conditional Uses. Upon the advice of the City Attorney in the mid-80s, that practice was discontinued. Should a similar project come up in a Redevelopment area today, this Commission would not be hearing the request for entitlements for it.

Commissioner Antonini:

- He believes that the Commission should hear this case today.
- There are a lot of people here to testify (for and against).
- Part of a determination that may be made in the future will not be a result based on a decision the Commission might make. No one is going to get anywhere until the Commission begins to hear this case.

Commission Bradford Bell:

- The Commission has indicated a consensus that the case will be heard.

SPEAKER(S):**Sue Hestor**

- She finds it very curious that the City Attorney and the Planning Department are saying that if a Conditional Use is approved it could be buried by a determination of the Board of Appeals and the Zoning Administrator.
- This is the first time that a Conditional Use can be modified by the Board of Appeals.
- This is a very substantial issue.
- If there was a PUD approved, how was it vacated and why was it vacated?
- It is irresponsible to just go ahead with this project.

Acting Zoning Administrator Craig Nikitas responded

- He is not suggesting that the Board of Appeals would overturn a Conditional Use authorized by the Planning Commission.
- He is suggesting that should the Board of Appeals find that the Zoning Administrator erred in determining that this is properly before the Commission, it would have to be brought back before the Commission for reconsideration.
- It is not that the Board of Appeals would be directly ruling on the merits of the Conditional Use authorization but on the subsequent determination that this case is before the Commission under law.
- He sees no reason why this case cannot be heard by the Commission.
- Anything that happens in the future will have it's venue and people opposed to the decisions will have their chance to appeal it.
- People opposed to the Conditional Use can appeal it to the Board of Supervisors and people who feel that the Zoning Administrator made an

improper decision can appeal that at the Board of Appeals. And if the latter happens, under Section Code 303(f), the Department would have to bring a Conditional Use back to the Commission that was not properly before them under flawed information.

Acting Director Larry Badiner:

- There are substantial issues that they will be dealing with.
- There have been occasions when a project sponsor has filed an appeal to the Board of Appeals right before the Planning Commission hearing. This is not the case on the issues brought up by Ms. Hestor.

Pamela Duffy

- There is no appeal pending at the Board of Appeals (BOA).
- There was, and the Board of Appeals heard it on January 14, 2004. The BOA upheld the Zoning Administrator's determination.
- A request for rehearing was filed.
- Ms. Hestor filed a request for a different determination which hasn't been issued, which hasn't been appealed, and which is not before the Board of Appeals.
- The only matter here is that whether or not this Conditional Use is something that this Commission can hear and has the jurisdiction to hear--and it does.
- There is a strategic debate here.

Commissioner Feldstein:

- She would like the Acting Zoning Administrator to explain step by step how the Commission got from Ms. Hestor's assertions that they are dealing with a PUD and the department's understanding that the Commission is not dealing with a PUD.
- She disagrees with Ms. Duffy's statements.

Acting Zoning Administrator Craig Nikitas responded:

- He would recommend that the Commission look at the typical PUD this Commission sees, which is not what is in front of them now, in terms of the whole Redevelopment Area.
- This is not a three-quarter acre parcel with 30 units on it that came in for a PUD to have the rear yard adjusted and the typical sort of things that the Commission often sees in the smaller residential PUDs.
- This is a complex series of entitlements that occurred over 15 to 20 years that was overlaid with each other. They involved residential, high-rise, commercial uses, and sometimes including overlaying blocks.
- He is not quite sure that there is an easy way to sort it all out.
- In the intervening years, there have been a lot of changes in the area. For example: the Embarcadero Freeway is gone and there has been development of Ferry Park which has allowed a lot of open space. Over time many things have evolved that may not be completely clear.
- In one of the early entitlements, Sidney Walton Park was required to be developed as park space until 1992 after which the owners of it could build structures on it to the highest and best use of the land.
- In the mid-70s the Redevelopment Agency suggested to the Board of Supervisors that the City acquire that and keep it open space in perpetuity by buying the development rights. There was no PUD that reconsidered the entire redevelopment area to do that.
- It is reasonable and acceptable to look at the proposed development as its own unit and separate from the residential area it has used as recreational space and it will continue to be used as recreational space with the addition of buildings.
- Given the current conditions, it makes sense to look at this on its own, without reconsideration of 15 blocks and two decades work of entitlements that are overlaid and overlapping on it.

Commissioner Hughes:

- There has been a determination on the PUD by the Board of Appeals.
- This determination is that the block that this proposed project is on is not part of a PUD.

Acting Zoning Administrator Craig Nikitas responded:

- That is not precisely the determination.
- It is that the entire redevelopment area does not need to be reconsidered as a modification of the PUD that would entitle this project.
- Appellants can request a rehearing upon the provision of new information. The Board of Appeals will decide whether to grant the rehearing or not. This is the only thing that is pending before the Board of Appeals on this project.

Commissioner Hughes:

- In the event that the Board of Appeals reverses its earlier decision and if the Commission acts on it this evening, the entire project comes back to them [the Commission].

Acting Director Larry Badiner:

- The Department could determine that the Conditional Use was inappropriately before the Commission and they could invalidate the CU.
- If the Board of Appeals overturns their decision upon a request for rehearing or ultimately through a process, the Zoning Administrator and the City determine something that is adverse to the project, the Project Sponsor would probably modify it and the Department would bring back a modified Conditional Use.

*Re: Merits of the Project***(+) Jeffrey Heller – Representing Project Sponsor**

- He gave a PowerPoint presentation on the general aspects of the project showing renderings, photographs of the proposed structure, engineering drawings emphasizing the swimming pools and shadow analysis.

(-) James Eggert – FOGG – Friends of Golden Gate

- He lives to blocks away from the project.
- He read a letter from Edward Heathrow who is opposed to the project.

(+) Jim Gerber – President of the Western Athletic Clubs

- He has more than a casual interest in making sure that the future of the tennis club is in his best interest and his members' best interest.
- He is satisfied that the finished product will meet the needs of the community that is served by the tennis and swim club.

- He was concerned about how the transition will take place during the construction period. He is very satisfied with the arrangements that they have made with various other clubs to serve members in the mean time.

(-) Nan Roth – Telegraph Hill Dwellers

- The dwellers have had a long time association with the Golden Gateway.
- She read a letter from the Telegraph Hill Dwellers Association who are not in support of the project.

(+) Stan Warren – San Francisco Building and Construction Trades Council

- This project parallels a vision for the community. It will also increase housing.
- Housing is very necessary.
- This project complies with all the codes and he urges the Commission to approve the project.
- It will also create many construction jobs.

(-) Helen Hui – Golden Gateway Commons

- They have written various letters in opposition to this project.
- The original designers of this project designed it to create a certain amount of open spaces.

- This new developer is destroying a facility that is used by many.
- She urged the Commission to deny the project.

(+) Jim Salinas – Carpenter's Union Local 22

- He was born and raised in San Francisco.
- There is a huge housing crisis in the City.
- The development team has done due diligence and has been very sensitive to the neighbors in the area.

(-) Victor Honig – Block II Golden Gateway Commons

- There is a constant saying that there is a shortage of housing. It is true.
- The shortage is in affordable housing and not in luxury housing.
- He lives in Golden Gateway Commons No. 2.
- The height of the building would be out of scale to the buildings in the Embarcadero.

(+) Martha Fry – Landscape Architect

- They did an analysis of the health of the trees currently in the Golden Gateway.
- Many trees have been mistreated and need to be replaced. Other trees will be kept.
- The pool podium (exterior pool terrace) will contain hardscape and lawn.
- Proper irrigation will be installed to create a safe and beautiful environment.

(-) Nan McGuire - FOGG

- She is a member of the Golden Gateway.
- District 3 has the highest density of all the districts.
- District 3 is tied with District 6 on the least amount of open space per capita.
- The developer wants to totally demolish the pools and increase the fitness space.
- The current fitness space is under utilized.
- She urges the Commission to not approve the project.

(+) Dean Macris

- This project does bring some solid benefits to the City.
- The project will also offer fiscal advantages to the City.
- This project can play a key role in establishing open space.

(+/-) Jim Miller

- He is a member of the Planning Department and lives in the Golden Gateway but is not a member of the fitness center.
- A planned unit development approved by a Conditional Use, is a Conditional Use.
- It can only be modified by the Planning Code by a new Conditional Use.
- The property which is the subject of the early Conditional Use planned unit development is not lost in the archives of the past.
- The matter is still under the jurisdiction of the Board of Appeals until they rule on a rehearing. It does not leave their jurisdiction until they are through with it.
- So this matter is inappropriate before the Commission.

(+) Walter Johnson – Labor Council

- He supports this project completely because it will provide necessary residential units.
- It is important to provide jobs, not just housing.
- It is important to move forward.

(-) Lee Radiner – Golden Gate Tennis and Swim Club

- He lives in the Golden Gateway and is a member of the Tennis and Swim Club.
- He submitted a petition with about 3,000 signatures of people who are opposed to the project.
- The club participates in various organizations and all this will be affected.
- This project will create 120 luxury units, which will destroy the neighborhood.

(+) John Hamilton

- He is representing the Project Sponsor
- They have been working on the planning and study of this project for about two years.
- All this analysis has created a lot of comments.
- He thanked the members of the Planning Commission for all their work on this project.

(-) Cris Biotti

- The intersections at Washington and Drum and Jackson and Drum are very dangerous intersections.

- There are future projects at the waterfront that are not being discussed right now and should be.
- Computer generated numbers do not tell the complete story.
- Residents of the Golden Gateway have not been heard and are being ignored.
- The residents of the Golden Gateway want their open space and want this project to be reduced.

(-) Ernestine Weiss

- There are various projects at the waterfront that will affect the traffic in the area and all this is not being discussed right now.
- This area will have the worst traffic jams.
- This is the most unnecessary building being proposed.
- There was a recent death because of the dangerous traffic situation.
- Open space is more necessary than luxury housing.

(+) Michael Alexander

- He travels the area various times a week.
- He has been a very active member of various boards and organizations in San Francisco.
- He has listened closely to the testimonies on this project. There is no open space situation here.
- His major problem with this project is the 170 parking spaces, which require conditional use, and is grossly in excess of what is needed.
- There are 120 families that will gain housing, and many of these will be seniors.

(-) Lorraine Sorensen

- She lives in the North Beach area.
- She read a letter from a member of the public who had to leave and is opposed to the project.

(+) Dina Poursardar

- Her husband was an architect.
- She is in support of this project. It will be a piece of art.
- She admires the architect of this project.

(-) Lawrence Doxsee

- He lives on Union Street.
- He swims quite often at the Golden Gateway pools.
- This project will eliminate three of the tennis courts and open space.
- The project will also eliminate a lap pool and place it on a second floor which will have a shadow cast upon it by adjacent buildings.

(+) John Wilson – Webcor Builders

- When approved the project will be built by a contractor that has done a lot of work in San Francisco and has worked with a lot of City agencies.
- The developer proactively came to them and told them that it was not a Redevelopment Project but it was the right thing to do to develop some guidelines similar to the agency's.

(-) Bob Iwersen – Friends of Golden Gateway

- His great-grandparents came to San Francisco in 1952.
- He lives in the Golden Gateway Commons.
- He is an architect and believes that the Golden Gateway Tennis and Swim Club is one of the best athletic centers in the City.
- This facility should be enhanced rather than marginalized.
- He is concerned with the loss of view.

(+/-) Bruce Bonacker

- He is active on many community board, but this evening he is speaking on his own.
- He was asked by Jane Winslow to look over the project.
- Regarding the urban design and views: he feels that the scale of the building is appropriate.
- There are no historic buildings that will be demolished and that is good.

(-) Holly Suzara – Friends of Golden Gateway

- As a property owner and a resident of the community, she does not feel that a property owner can do what they please to their land.
- The project does not improve the quality of life for the residents.

(+) Franz Nagai

- He has lived at the Golden Gateway Center for the last 25 years.
- He has no plans to move away.
- He is semi-retired and is looking for some place to buy.
- He is in support of the project because he would like to buy a unit and live in it when the project is over.
- The health club will be improved and he is looking forward to it.

(+/-) Thomas S. Lister – Resident of the Golden Gateway Center and Member of the Tennis and Swim Club

- He is opposed to the design of the project but is neutral to the loss of open space and the residential component.
- For a long period of time, there has been open space and this will be lost.
- The only times he has had to call the sewer plant is when it is not raining.

(+) Keith Wilson

- His wife is a frequent tennis player.
- The speakers against this project are saying that the health club will be gone forever. The only thing being lost are three tennis courts.
- The health club will be greatly improved plus 120 residential units will be created.
- There are a lot of resources that are being put into low income housing and very little put into middle-income housing.
- This is a very equitable project that is tastefully designed.

(-) Paula Aspin

- She is opposed to everything that the previous speaker said.
- She is not going to be able to afford the fees when the athletic club is finished.
- There is nothing wrong with the way the club looks presently.

(+) Frank O'Neal – Pier 50-A

- He is a former member of the Port Commission.
- He has participated in various developments at the waterfront.
- He is very close to the Embarcadero and has an office at the waterfront.
- He likes this project. It is moderate and tasteful.

(-) Betty Magovern

- She has been a tenant at the Golden Gateway for almost 32 years.
- She is no longer a member of the Swim and Tennis Club.
- This is not a private club. This is a club that the public can go to.
- She does not support this proposal.

(+) Ron Miguel – Chair of the Housing Action Coalition

- He has been to various site visits and has had conversations with various people that live in the Gateway.
- This is great urban design. Dean Macris said it best by saying that it frames the section of the waterfront between itself and the MUNI property.
- The project is near transit and will have increased service.
- The project meets the planning criteria, etc.

(-) Eula Walters

- She has lived in the Golden Gateway for 32 years.
- She can swim in the pool in the morning and see the Ferry Buildings.
- She is worried about losing the view of the Ferry Building and the clouds.
- This is the best City and best area to live at.
- If this is taken away, the Commission will take away one of the best things that the City has.

(-) John Hill – FOGG – Friends of Golden Gate

- He lives in the outer Richmond and is a member of the Tennis and Swim club with his family.

- Fitness facilities are tremendous family assets.
- He combines family outings by going to the club and shopping at the Embarcadero.
- The numbers just don't make sense: 120 luxury condos vs. 1,700 members that include seniors and children.

(-) Tim O'Shea

- He is speaking on behalf of families and children.
- There are 400 kids in the summer camps.
- There is a quality of community at the club.
- The club is a very rare asset.

(+) Khay Loke – Project Manager – Hamilton Partners

- He read a letter from the Deputy Director of Car Share who is in support of the project because the project will contain up to two parking spaces for car share.

(-) Nicholas O'Neill

- If the Golden Gateway goes, it will not be coming back.
- It is important to hang on to what we have.
- He has lived in various countries and in no place has he seen a facility like the Golden Gateway. He and his wife are members and hopes that his future kids will benefit from it.
- The club is mobbed by families.

(-) Jeremy Nelson – Transportation for a Livable City

- This project has too much parking.
- If there is any site that does not have to exceed the code for parking, it is this site.
- There is no need for the amount of parking proposed.
- The current club operates with 15 parking spaces only. Thirty-three percent of an increase in parking and reducing membership, tennis courts, etc. just does not make sense.

(-) Martin Ward – Director of Operations of Carramerica

- Carramerica is opposed to this project because the tower will have a detrimental operational economic impact on the Golden Gate Commons.
- It will be difficult for Carramerica to lease space.
- The construction of the tower will cause a negative impact to various tenants.

(+) Pamela Duffy

- The families that will benefit by living in the affordable housing that this project will create are not here to defend themselves.
- The recreational facility will be different only by three tennis courts. In comparison, many more people will benefit from this project.
- The club has notified its members on how they will provide for them while construction is going on.

(-) Sue Hestor - FOGG

- The decision that the Commission is making will have a lot more implications than on this project.
- Golden Gateway is at the highest density that is allowed.
- There is going to be a lot more resistance from people when one is trying to convince them that a good job can be done on residential density in this City.
- There is very little information in the packets the Commissioners have regarding the history of this project.

(-) Joan Chuchek

- She is a lifelong swimmer. The City is just terrible for a swimmers.
- For a swimmer who wants to swim outdoors, Golden Gateway is the only one.
- What she sees that is being proposed is just another high rise development that will take away from the general public's ability to swim outdoors.
- She urges the Commission to realize that people need more than just housing and this includes recreation.

ACTION: CEQA findings Adopted

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee

ABSENT: Boyd and W. Lee

MOTION: 16722

- 17b. 2002.0376E!KC (M. LI: (415) 558-6396)
8 WASHINGTON STREET (AKA 370 DRUMM STREET) - northeast corner at Drumm Street, Assessor's Block/Lot 0168/058, 0171/069, and 0201/012 - Request for a determination regarding the significance of net new shadow on Embarcadero Plaza I caused by the construction of a proposed eight-story, 84-foot-high mixed-use building. Preliminary Recommendation: Determination that the net new shadow is *de minimus*.

SPEAKER(S): Same as those listed for Item 17a.
ACTION: Determined that the net new shadow is *de minimus*.
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee
ABSENT: Boyd and W. Lee
MOTION: 16723

- 17c. 2002.0376E!KC (M. LI: (415) 558-6396)
8 WASHINGTON STREET (AKA 370 DRUMM STREET) - northeast corner at Drumm Street, Assessor's Block/Lot 0168/058, 0171/069, and 0201/012 - Request for a determination regarding the significance of net new shadow on Ferry Park caused by the construction of a proposed eight-story, 84-foot-high mixed-use building. Preliminary Recommendation: Determination that the net new shadow will not be significant or adverse.

SPEAKER(S): Same as those listed for Item 17a.
ACTION: Determined that the net new shadow will not be significant or adverse
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee
ABSENT: Boyd and W. Lee
MOTION: 16724

- 17d. 2002.0376E!KC (M. LI: (415) 558-6396)
8 WASHINGTON STREET (AKA 370 DRUMM STREET) - northeast corner at Drumm Street, Assessor's Block/Lot 0168/058, 0171/069, and 0201/012 - Request for conditional use and planned unit development authorization to construct an eight-story, 84-foot-high building containing up to 120 dwelling units, a garage with up to 170 parking spaces (120 residential spaces and 50 nonresidential spaces), a 10,000-square-foot health club, and outdoor recreation facilities comprising six tennis courts and two swimming pools (one indoor and one outdoor), and an athletic apparel/equipment shop. The project site, located within an RC-4 (Residential-Commercial Combined, High Density) District and an 84-E Height and Bulk District, is currently occupied by tennis courts, swimming pools, and a surface parking lot. Preliminary Recommendation: Approval with conditions.

SPEAKER(S): Same as those listed for Item 17a.
ACTION: Approved as amended:
1. The total number of parking spaces for the Project shall not exceed 157.
2. The maximum number of residential parking spaces shall not exceed 120. All parking spaces associated with dwelling units containing fewer than two bedrooms shall be tandem. All parking spaces associated with dwelling units containing two or more bedrooms may be independently accessible.
3. The maximum number of parking spaces associated with the health club shall not exceed 30. All parking spaces associated with the health club shall be tandem.
4. With the exception of seven disabled access spaces, two car share spaces, and five building maintenance/service vehicle spaces, all parking spaces shall be located on the basement level.
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee
ABSENT: Boyd and W. Lee
MOTION: 16725

18. 2003.1049T (J.IONIN: (415) 558-6309)
ADMINISTRATIVE DISCRETIONARY REVIEW POLICY - Consideration of a Resolution recommending that the Board of Supervisor's amend Planning Code Sections 311 and 312 to establish an Administrative Discretionary Review Policy, and creating a Pre-Application process for new construction and certain alterations in RH and RM districts. Preliminary Recommendation: Adoption.
 (Continued from Regular Meeting of December 18, 2003)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 19, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee

ABSENT: Boyd and W. Lee

19. (L. BADINER/D. LIM: (415) 558-6411/558-6547)
PLANNING DEPARTMENT MANAGEMENT AUDIT - Review of Budget Analyst's management audit of June 2002 and Commission consideration of recommendations/implementation by Planning Commission for follow-up.
 (Continued from Regular Meeting of January 15, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to February 19, 2004

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee

ABSENT: Boyd and W. Lee

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 10:09 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, March 18, 2004.

SPEAKERS: None

ACTION: Approved with corrected spelling: pg. 5: Ammiano (from Amiano); pg 10: Cody (from Coby)

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 12, 2004

MAR 26 2004

SAN FRANCISCO
PUBLIC LIBRARY

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:45 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Paul Maltzer; Amit Ghosh; Neil Hart; Mike Burkowitz; Larry McDonald; Diane Lim; Costolino Hogan; Rick Crawford; Glenn Cabreros; Isolde Wilson; Ben Fu; Dan DiBartolo; Lois Scott; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.1254D (E. TOPE: (415) 558-6316)
170 ST. GERMAIN AVENUE - north side at Glenbrook Avenue; Lot 009 in Block 2708 - Request for Discretionary Review of Building Permit Application No. 2003.07.31.0905, proposing to construct a horizontal and vertical addition to an existing single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-x Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
(Proposed for continuance to March 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 4, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

2. 2000.465E (R. COOPER: (415) 558-5974)
HOUSING ELEMENT OF THE SAN FRANCISCO GENERAL PLAN - Appeal of the Preliminary Negative Declaration for the proposed revision of the Housing Element of the *San Francisco General Plan*, which is an update of the 1990 Residence Element of the *San Francisco General Plan*. The Housing Element is a public policy document that comprehensively addresses issues of housing needs for San Francisco residents and households. Included in the Housing Element is San Francisco population, employment and housing data analysis. Eight new policies are proposed to be added to the 63 policies and 11 objectives that have been modified or retained from the 1990 Residence Element.
Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Proposed for continuance to March 18, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 18, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
3. 2003.0106D (M. WOODS: (415) 558-6315)
1910-12 STEINER STREET - east side between Wilmot and Bush Streets; Lot 018 in Assessor's Block 0659 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.06.16.7169, proposing to merge two dwelling units to a single-family residence in an RH-3 (Residential, House, Three-Family) District and 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.
(Continued from Regular Meeting of December 11, 2003)
(Proposed for continuance to March 25, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 25, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
4. 2003.1142D (J. PURVIS: (415) 558-6354)
1611 WALLACE AVENUE - south side between 3rd and Keith Streets; Lot 041 in Assessor's Block 5413 - Mandatory Discretionary Review pursuant to 1943 Planning Commission Resolution No. 2797 on the proposed 2-story horizontal rear addition to a single-family dwelling under Building Permit Application No. 2003.08.20.2646. The addition would extend the building by 24 feet in the rear, including 18 feet of interior space and a 6-foot rear deck. The site is in an RH-1 (Residential, House, One-Family) Use District and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of January 8, 2004)
Note: This case was withdrawn per City-Attorney's Zoning Administrator's decision.

SPEAKER(S): None
ACTION: Case Withdrawn
5. 2003.0183D (G. NELSON: (415) 558-6257)
2477-2479 SUTTER STREET - south side between Broderick and Divisadero Streets; lot 022 in Assessor's Block 1076 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all residential demolitions of Demolition Permit Application No. 2002.08.13.3876, proposing the demolition of a two-story, two-family dwelling within an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and

Bulk District. There is a related proposal to construct a new, four-story, three-family dwelling with three off-street parking spaces.

Preliminary Recommendation: Take Discretionary Review and disapprove the demolition. (Continued from Regular Meeting of January 22, 2004)

NOTE: On September 25, 2003, following public testimony, the Commission closed the public hearing and entertained two motions: 1) to take Discretionary Review and disapprove the demolition. The vote was +3 -3 with Commissioners Antonini, Bradford Bell, and Boyd voting no. The motion failed. 2) To continue the matter to October 16, 2003. That motion passed on a +6 -0 vote with Commissioner William Lee absent.

NOTE: On October 16, 2003, the Commission entertained two motions: 1) to take Discretionary Review and disapprove the demolition. The motion failed on a +3 -3 vote with Commissioners Antonini, Bradford Bell, and W. Lee voting no and Commissioner Boyd absent. 2) To continue the item to November 13, 2003. This motion passed on a +4 -2 vote with Commissioners Hughes and S. Lee voting no and Commissioner Boyd absent. The Commission requested that a representative from another City Department review the soundness report. The public hearing will be open to any new information presented to the Commission.

NOTE: On November 13, 2003, the Commission continued this item to December 11, 2003 without hearing.

NOTE: On December 11, 2003, the Commission continued this item to January 22, 2004 without hearing.

NOTE: On January 22, 2004, the Commission continued this item to February 12, 2004 without hearing.

NOTE: the applicant has requested the withdrawal of the demolition permit application. Staff therefore withdraws its discretionary review request.

SPEAKER(S): None

ACTION: Commission requested that this item come back to them at a future date.

B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Commission Comments/Questions

Commissioner W. Lee:

Re: Discretionary Reviews

- On December 11, 2003 there was a Discretionary Review for 500 Divisadero Street.
- The DR was filed by the project sponsor himself.
- He would like to know if this is legal?
- The problem he has with this is that the neighborhood was under the impression that there was a DR filed even though the DR was filed by the project sponsor himself.
- Was this information given to the Commission?

Acting Zoning Administrator Craig Nikitas responded:

- It is perfectly legal for a project sponsor to file a Discretionary Review.
- He would stress to the public that if anyone has issues with a project, they need to file their own DR to preserve their right to be heard by the Commission.
- It may be possible that the Commission could request to see the details of the case.

Commissioner W. Lee:

- Has this situation happened before?

Acting Director Larry Badiner responded:

- He could not think of specific cases but is aware that this has happened before.

Commissioner W. Lee:

- Was the Commission notified?

Acting Director Larry Badiner responded:

- No, as a matter of course, he does not believe the Commission was notified.
- The Commission is not always told either when someone withdraws a DR.

Commissioner W. Lee:

- He requested that the Commission be notified in writing if a project sponsor files his or her own Discretionary Review.
- The reason for this is mostly [to know] if someone is challenging the project.

Re: Housing Builder News

- A report card was given to San Francisco based on the fair share numbers for housing.
- San Francisco was given a D+.
- This is for years 1999 to 2003.
- It is his understand that the this Commission has approved more housing in a given year than the previous Commissions.
- He requested the number of housing units that this Commission has approved.

Commissioner Antonini:

Re: Housing

- He agrees with the Comments from Commission Bill Lee.
- He would like added to the information any net increase in public housing that might also be part of it.

Re: SPUR report

- The latest report from SPUR includes factors relating to choices of businesses and various other projects in choosing their locations.
- One part of this report included local factors, area factors, national and international factors such as taxation, such as labor costs, such as land costs, political climate, transportation and housing.
- This information would be good for the Commission to receive.

Commissioner Feldstein:

Re: Discretionary Reviews

- She wants to receive additional clarification on filing Discretionary Review on ones own property.
- Her understanding is that the applicant can do this if they disagree with what staff is asking them to do. This would allow the Commission to review staff's decision.
- She realizes that one could abuse the process on ones own property.

Acting Zoning Administrator Craig Nikitas responded:

- It is very explicit in the 311 notice.
- It states: "The project sponsor of a building permit application may request Discretionary Review by the Planning Commission to resolve conflicts between the Director of Planning and the project sponsor concerning requested modifications to comply with the Residential Design Guidelines."

Commissioner Feldstein:

- How would this hide something from the neighbors?

Acting Director Larry Badiner:

- He believes that on the particular project in question, the sponsor did not have any problems with the recommendation.

- He believes that there could be a perception from the public that if a DR is filed it will be heard by the Commission.
- If a member of the public was not well versed in the Planning Code, they might assume that if the project was advertised it will automatically be heard by the Commission.
- The ZA states that if someone has a concern about a project, do not rely upon someone else filing a Discretionary Review.
- He believes that is what happened with the case mentioned previously.

SPEAKER(S):

Patricia Voughey

Re: Housing

- The Department is ignoring something that should be remedied.
- If 10,000 more affordable housing units is wanted, Diane Feinstein rezoned all of the NC-1 zones to NC-2 zones, and the NC-2 zones to NC-3 zones.
- There are a lot of three story buildings in the NC-2 zones that are being used as offices and they should be rezoned back to housing.

Re: 500 Divisadero

- The DR was scheduled to be heard on December 11, 2003.
- The neighbors called and were told that it was going to be heard.
- No one was notified that it had been withdrawn.
- If a 312 is issued, then the members of the public should be notified that there will not be a hearing.

Re: Planning Code misunderstanding

- Mr. Badiner is correct to state that the public does not understand the procedure.
- When the public calls and asks if a DR was filed and staff fails to mention that it was by the project sponsor, the department has failed in their outcome.
- In this case, the project sponsor did not file for an entertainment license so a 312 notice has to be filed again.
- The project should have a complete 312 notice so that it does not appear before the Board of Appeals.

Commission Secretary:

Re: Form 700 – Statement of Economic Interest

- She reminded the Commission that their deadline to submit these forms is April 1, 2004.

C. DIRECTOR'S REPORT

7. Director's Announcements
None
8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

Land Use Committee Meeting – February 9, 2004

Re: Ordinance Prohibiting the Demolition of 20 Dwelling Units or More

- This was forwarded to the Planning Department.
- Unfortunately, the time period expired in late January without the Department acting upon it. Staff was out of the country.
- He requested an extension for about a week.
- The Commission could have been able to hear it February 5, 2004.
- The Land Use Committee did not grant the extension.
- He argued that rather than a prohibition of 20 units there should be Conditional Use with very explicit criteria.
- This was approved and went to the full board the next day.

- The full Board of Supervisors passed the Ordinance +8-3 with Supervisors Alliotto-Pierre, Ma and Hall dissenting.

Re: 799 North Point – Categorical Exemption

- This was a project for 5 dwelling units on an old gas station that had been used for parking.
- It was before the Commission in December 2003.
- About eight minutes before the hearing, a negative declaration was issued.
- The item was continued several times.
- The Board heard it. The main issue was how well the remains of the gas station had been remediated.
- There was a letter dating from the early to mid-1990s from the Health Department that the site was off the environmental hazardous list. It had been remediated for a parking lot but was it remediated enough for housing?
- The Health Department did correct and that it was remediated enough for housing.
- The Board overturned the Categorical Exemption +11-0 to require further testing, initiate studies and for the Department to determine if further environmental review was required.

Re: 701 Lombard Street

- This project was approved by the Commission for 9 dwelling units.
- The Board voted +8-3 to proceed with imminent domain and acquire the property (Dufty, Hall and Ma voted against).

Re: Legislation to Amend the Planning Code to Encourage Comprehensive Community Plans to Bonus Housing Projects

- Until the development of these plans are done it would require the prohibition of public benefits.

BOA –

- He thanked Jones Ionin for attending the Board of Appeals meeting last night.
- There was not a full board, many items were continued.
- The request for a re-hearing for 8 Washington Street was denied on a +3 -1 vote.
- Regarding 111 Lobos Street, the Board continued this item to February 18, 2004.

D. REGULAR CALENDAR

9. (C. HOGAN: (415) 558-6610)

PLANNING DEPARTMENT'S PROPOSED WORK PROGRAM AND BUDGET FOR FY 2004-2005 - Presentation of the San Francisco Planning Department Work Program and Budget, and consideration of approval of a draft resolution adopting the Planning Department's proposed work program and budget for fiscal year 2004-2005.
Preliminary Recommendation: Approval

SPEAKER(S):

Alexis Harte – Coordinator of the Urban Forest Council

- Council members represent full range of organizations.
- Staff member Ann Marie Rogers is vital in urban forest planning.
- 2004 will be an extremely difficult fiscal year.
- He is asking the support from the Planning Commission to request funds for this issue.
- The Urban Forest Council and the Department of the Environment are eager to work together with the Planning Department and Planning Commission.

Patricia Voughey

- She feels that the important thing is efficiency.
- There are certain planners who the public can really know when to get a hold of.
- There are a lot of ways to be efficient.

- The computer systems at the Planning Department should have the Building Department application lookup systems on their computers. This would allow the planners to look up all the information on a certain block/lot.
- This would eliminate the public to have to call back and call back.

Lois Scott – Local 21 – Professional and Technical Engineers

- This is a very clear and understandable work program.
- The area of weakness would be on how the department is doing.
- There is not much information on how much “backlog” there is.
- To be a better performance document, the targets need a baseline.
- It would be helpful to put “percentage complete” and “percentage proposed”.
- Cost recovery would be very minimal.
- She proposes to work together on the targets and develop more specific targets.

Kate White – San Francisco Housing Coalition

- She congratulated staff on putting this budget information together.
- She seconded all the comments from the Commission on obtaining funds from the general fund.
- She expressed her support and that of the coalition for this.
- There is one big hole she is very concerned about: EIR money for the Better Neighborhoods Plans.
- These plans have a tremendous amount of community consensus.
- With all the support from the public, it is a shame if there is no money for these plans.

Terry Milme – Bernal Heights

- He seconded what the first speaker said.
- Ms. Ann Marie Rodgers is a very important member in the Urban Forest Council.
- Planning is something that drives the whole City and all the money Planning needs should be provided as soon as possible.
- He suggested to anyone who is listening to transmit this information to the Mayor.

ACTION: Intent to Approve. Final Language: February 19, 2004.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 10a. 2003.1251D (R. CRAWFORD: (415) 558-6358)
187-189 LOWER TERRACE - south side between Roosevelt Way and Levant Street.
 Assessor's Block 2627 Lot 033 - Request for Discretionary Review of Building Permit Application No. 2002.1104.0731, to construct a new three story two family dwelling on a vacant lot in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S):

(-) Cathy Mosbrecker – Representing Discretionary Review Requestor

- The DR requestor has been living at this location since 1981.
- If the project is approved in its current form, she requests that the conditions stated in the report be imposed.
- One of the neighbors will also address the issue of lifting the property.

(-) Ann Garcia

- She lives on Lower Terrace.
- She inherited the house she has been living in since the 1980's.
- Her plumbing is on the outside of the house and there is very limited access to it.
- The proposal will impede a plumber from inspecting the pipes on her house.
- A “monstrosity” has recently been built in the neighborhood.

(+) Amad Larizadeh – Representing Project Sponsor

- He has been working on this project for two years.
- They have made various offers to the Discretionary Review requestor, to no avail.

- The project sponsor is losing money on this project.
- He has also tried to deal with the issues of Ms. Garcia.
- The project sponsor would like to have this project move forward.
- (+) (first name unclear) Larizadeh**
- He is the co-owner of the property.
- He and a friend bought the two properties.
- They have made a good-faith offer to the Discretionary Review requestor.
- What he is offering is fair and exceed what the law requires.
- He hopes that the Commission will approve this request.

ACTION: Did not take Discretionary Review and approved project.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 10b. 2003.1256D (R. CRAWFORD: (415) 558-6358)
191-193 LOWER TERRACE - south side between Roosevelt Way and Levant Street. Assessor's Block 2627 Lot 032 - Request for Discretionary Review of Building Permit Application No. 2003.0828.3384, to lift the existing two story, two family residential building five (5) feet to develop a new floor of occupancy beneath the existing building, and develop a two car garage on the street level in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S): Same as those listed for item 10a.

ACTION: Took Discretionary Review (DR) with the following conditions: 1) The owners shall pay the DR requestor's actual relocation and return costs to a maximum of \$5,000; 2) The owner shall pay the difference in rent for a comparable dwelling unit during any period of relocation to a monthly maximum differential of \$1,500; and 3) provide an electric lift in the DR requestor's new unit.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

11. 2003.1093D (G. CABREROS: (415) 558-6169)
2258 BEACH STREET - north side between Baker and Broderick Streets; Lot 009D in Assessor's Block 0915 - Request for Discretionary Review of Building Permit Application No. 2003.07.02.8662, proposing to consolidate several previous building permit applications and to authorize construction beyond the scope of said permits in order to achieve final inspection by the Department of Building Inspection. Construction under these previous building permit applications includes, but is not limited to, a new third floor, a horizontal addition to the rear of the building, and new windows and skylights added to the existing single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve with modifications.
 (Continued from Regular Meeting of December 11, 2003)

SPEAKER(S):

(-) Ed Houtkooper – Discretionary Review Requestor

- He is concerned with the height of the building.
- The project is just four feet too high.
- This request has been ignored.
- The proposed greenhouse has views to all the neighboring houses.
- Everything done by the project sponsor has been done without proper procedures.

(-) Nancy Bouton

- She has lived on Beach Street for over 36 years.

- She has never witnessed such a remodeling job.
- She is aware of certain projects done without permits.
- There is a history of inconsistencies with what is actually being constructed.
- This project would set a dangerous precedent for projects that are allowed to be constructed and obtaining permits after construction.

(-) Nancy Houtkooper

- She contacted the Building and Planning Department many times and was told that she did not need permits.
- She had a Building Department inspector at her house because of an anonymous caller. The inspector reviewed the project and did not issue any citations.
- A few days later the same inspector came and then issued a citation specifying that he had not seen the project completely.
- The project has been a financial hardship on her.

(+) Graham Maloney – Representing Project Sponsor

- The last speaker told what is really going on here.
- The project has been completed for over a year.
- There have not been any variances issued on this project. None were sought, none were issued.
- The increased height occurred by the recommendation of the structural engineer.
- To remove the parapet, the project sponsor would suffer a hardship because it would affect his bedroom.
- He requests that the Commission not take DR and approve the project as proposed.

(+) Larry Paul – Project Architect

- The entire project has been built according to code and one in the proper fashion.
- The height of the third floor addition is relatively small.
- At the time of the construction of the third floor addition, there were no Discretionary Reviews applied for.
- If the parapet is reduced, it would cause major alterations to have to be done to the house.
- They were asked by the Building Department to consolidate the building permits. Most of these permits are mostly renewals.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Hughes

NAYES: Feldstein, S. Lee, W. Lee

12. 2003.1264D (G. CABREROS: (415) 558-6169)
3264 LYON STREET - east side between Richardson Avenue and Bay Street; Lot 028 in Assessor's Block 0925 - Request for Discretionary Review of Building Permit Application No. 2003.05.09.4264 proposing to construct a rear horizontal addition and deck at the second floor and a new third floor, to the existing two-story, single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

SPEAKER(S):

(-) David Locala – Discretionary Review Requestor

- He realizes that everyone has the right to improve their property. It improves neighborhoods.
- He has a problem with the proposed deck because it will have views into his children's bedroom.
- He has made several reasonable proposal to try to resolve this.
- He proposed moving the deck to the third story, closer to the Project Sponsor's children's bedroom.
- He is still willing to try to resolve this.

- He does not understand why the project sponsor has stated that the deck is a necessity for his children.
- Do the project sponsor's three children absolutely need this deck?
- The deck also contradicts the Residential Design Guidelines.

(-) John Winder – Architect

- He went over the proposed project and tried to understand the concerns of the DR requestor.
- The deck isn't going to encroach over the DR requestor's home.

(+) Ivone Torocca, Project Sponsor

- She and her husband have recently purchased the home.
- They have met with the neighbors to discuss the project.
- She has received support from various neighbors.
- There are about five other homes that have decks that are even larger than the one proposed.

(+) Patricia Voughey – Cow Hollow Neighbors in Action

- She has been following this project for a while.
- All of the houses have very interesting and similar fronts.
- The project sponsor and DR requestor's homes are the same length.
- The DR requestor made an addition with a setback.
- This is the most frivolous Discretionary Review she has seen in a very long time.

(+) Jonathan Ennis – Project Architect

- In every way, he has tried to accommodate the comments from the DR requestor.
- They have tried everything to try to stay out of this forum.

ACTION: Took Discretionary Review and approved with the following modifications: Provide a trellis along the northern edge of the proposed deck to afford privacy to the adjacent building at 3170 Lyon Street (Locala Residence).

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

13. 2003.1110T (I. WILSON: (415) 558-6163)
ORDINANCE AMENDING THE SAN FRANCISCO PLANNING CODE TO ALLOW A REQUIRED SECOND MEANS OF EGRESS - Initiation of an ordinance amending the San Francisco Planning Code, proposing a new section 136(c)(4)(A)(i-v) to allow a stairway that is a required second means of egress under the Building Code, as a permitted obstruction in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code.
 Preliminary Recommendation: Approval of intent to initiate.
 (Continued from Regular Meeting January 22, 2004)

SPEAKER(S):

Alice Barkley

- She urges the Commission to initiate the ordinance since it is extremely difficult to do units with more than two bedrooms when a second means of egress needs to be designed.

ACTION: Approved Initiation.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16728

14. 2003.1282D (K. McGEE: (415) 558-6367)
609 CORTLAND AVENUE north side between Bocana and Bennington Streets. Assessor's Block 5667, Lot 017 - Request for Discretionary Review of Building Permit Application No. 2003.09.30.6176, to add "Other Entertainment," per Planning Code

Section 711.48, to the existing bar "Charlies Club," located in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and in a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Approve the Project with Conditions.

SPEAKER(S): None

ACTION: Without hearing, item continued to April 22, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 15a. 2003.1141DDDDV (B . FU: (415) 558-6613)
1218 MARIPOSA STREET north side, between Missouri and Texas Streets; Lot 013 in Assessor's Block 3985. Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.04.10.2000 to demolish an existing single-family dwelling (the project also proposes the construction of a new single-family dwelling) in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
 Preliminary Recommendation: Do not take Discretionary Review and approve demolition.
 (Continued from Regular Meeting of January 8, 2004)

SPEAKER(S):

(+) **Steve Vettel – Representing Project Sponsor**

- He is available for questions.

- They were able to work out the issues with the neighbors on the new construction.

(+) **Kepa Askenazy**

- She lives on the block and has worked with the project sponsor for several months.

- She submitted a letter with the specifics of the project and the agreement.

ACTION: Did not take Discretionary Review and approved project.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

- 15b. 2003.1141DDDDV (B . FU: (415) 558-6613)
1218 MARIPOSA STREET north side, between Missouri and Texas Streets; Lot 013 in Assessor's Block 3985. Three Discretionary Review requests for Building Permit Application No. 2003.04.10.1998 have been filed for the construction of a replacement single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk Designation.
 Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.
 (Continued from Regular Meeting of January 8, 2004)

SPEAKER(S): Same as those listed for item 15a.

ACTION: Do not take Discretionary Review and Approve Project with Plans dated February 12, 2004.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

- 15c. 2003.1141DDDDV (B . FU: (415) 558-6613)
1218 MARIPOSA STREET - north side, between Missouri and Texas Streets; Lot 013 in Assessor's Block 3985. A front setback Variance is requested to reconstruct an existing garage within the front setback. The project is located in an RH-2 (Residential House, Two-Family) District with a 40-X Height and Bulk Designation.
 (Continued from Regular Meeting of January 8, 2004)

SPEAKER(S): Same as those listed for item 15a.

ACTION: Zoning Administrator Closed the Public Hearing and Granted the Variance.

16. 2003.0946D (D. DiBARTOLO: (415) 558-6291)
458-460 35TH AVENUE - east side between Geary Boulevard and Clement Street: Lot 042 in Assessor's Block 1466 - Request for Discretionary Review of Building Permit Application No. 2003.02.21.8034, proposing to; (1) construct a 3' 4" deep, three-level rear horizontal addition and a two-story deck and stairs; and, (2) add a new, approximately 830 square foot, partial third floor to a two-story over ground floor structure containing two dwelling units in an RH-2 (Residential House, Two-Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications.

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

17. 2003.1145D (D. DiBARTOLO: (415) 558-6291)
1021 FRANCISCO STREET - south side between Larkin and Polk Streets: Lot 023 in Assessor's Block 0477 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.05.30.5840, proposing to merge two dwelling units to a single-family residence in an RH-2 (Residential House, Two-Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.

SPEAKER(S):

(+) Amad Larizadeh – Project Sponsor

- The unit has been empty since 1997.

- The property only has two bedrooms. They would like to merge the units to have a single-family home.

ACTION: Took Discretionary Review and denied the dwelling unit merger.

AYES: Antonini, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell and Boyd

6:00 7:30 p.m.

PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

SPEAKER(S):

Luis Granados

- With controls all of the uses will be there.

- Controls do not allow flexibility within a parcel area but does provide flexibility for an entire area.

Kyle Fiore – Mission Community Council

- Controls are very important in the Mission District.

- The Mission is tough and the residents know how to fight back.

- Agencies have brought services and resources for families and single room occupancies.
- Last summer was the first year in many that there were no youth deaths.
- The neighborhood needs controls.

Cris Selig - MAC

- She appreciates that the Commission is listening to testimony again.
- The Mission District needs controls.
- There is a split around the issue of controls and policies.
- The NEMIZ is very important to have controls as well. They will set up a way to plan and look at the whole neighborhood together.
- Guidelines are too loose and leave it to developers who could afford to fight expensive battles.
- A plan should be instituted that will benefit the entire community and not just one lot.

Bill Murphy – Mission Agenda :

- He is a third generation San Franciscan.
- He recently was disabled by a stroke.
- He has been living in a very small SRO hotel.
- Controls should be instituted and not guidelines.
- Affordable housing for middle to low income and seniors is very much a need.
- There is a need to be safe, to have open space, to have artist space, etc.

Richard Marquez

- The facts remain that although controls are not perfect have temporarily saved their communities from big money savagery.

Rosabela Suffont

- She was born and raised in the Mission District.
- She has always worked in the Mission District.
- Many of the projects the Planning Commission has approved has caused evictions and businesses to leave.

Curtis Eisenberger – Mission Coalition for Economic Justice and Jobs (MCEJJ)

- His group supports policies, not controls for the Mission.
- He does not think that the current proposed zoning for the NEMIZ is correct or proper.
- The policy should not be adopted in its present form.
- There is a lot of inaccurate information and inappropriate designation of use by size.

Andrew Wood – Director of the International Art Festival/ODC Theatre

- There are a lot of artists that have been displaced.
- The only live/work situation that was stopped completely was the one for ODC.
- It took him hundreds of hours to organize, petition etc. to fight for ODC.
- Policies do not work because they can be broken.

Mary Murphy – Farella, Braun and Martell

- She represents Bay West Corporation who is the owner and developer of most of the designer showrooms for the Showplace Square District.
- She urged the Commission to vote for policies and not controls.
- The City does not have the authority under State law to pass controls.
- The findings on the resolutions are inadequate under State law which was recently amended to become far more stringent.

Jeffrey Lievobitz

- He is representing the South Beach/Rincon Point CAC and the SOMA Leadership Council.
- He is in support of policies.
- He wants policies because they need flexibility. His neighborhood does not have the pressure that the Mission District has.
- Housing is very necessary in this City.
- Neighborhoods need to be protected.
- This process should be moved forward to get on with Environmental Review.

My Do – Mission Economic Development Association

- There have been a lot of discussion about economics -- more so than Planning.

- At the previous hearing she introduced data which showed that PDR businesses in the City are healthy and that the economics surrounding them support efforts to retain them.
- She urged the Commission to adopt controls instead of policies to help protect PDR businesses and promote a more balanced development.

Jose Morales

- One cannot serve God by slaving for riches.
- Controls are needed to protect people.
- It is important to preserve affordable housing for seniors and low-income people.

Fred Snyder

- He owns property in the NEMIZ.
- He is in favor of the policies.
- This situation is really about jobs.
- His business tries to create places that have good rent.
- A lot of this planning that has been done is very confusing.
- It is important for everyone to sit at the table and analyze things instead of just passing things.

Charlie Sciammas

- There are a lot of development proposals to build and rebuild the land in the Southeast Industrial Zones.
- These spaces mean a lot to him, to the youth, the families and the elders that live there. These spaces mean opportunities to fill the City with the things that are important to them: decent and affordable family-sized housing, good living-wage jobs, neighborhood-serving businesses, public open spaces and community services.
- The Planning Department allows permits to developers that could be used to protect uses that are vital to the City such as production, distribution and repair services.
- These provide hundreds of jobs for local residents.

Marty Borrego – Mission Agenda

- He requested that we keep the interim controls.
- Right now, it is the only thing that people can do to protect themselves from greedy developers.
- It is important to protect the land that their forefathers fought for.
- There are many people in the City who suffer so much.

Julie Milbourne – Facility Director for the California College of Arts at the San Francisco Campus

- She is in support of interim policies for the Showplace Square.
- Her college is expanding and remodeling.
- She is investing in the City and hopes that the Commission will do the same.
- Although the Mission feels they need controls, they should be given controls but both districts should be separated because the Showplace Square requires policies.

Fritz Maytag – Anchor Brewing Company

- They have been hoping and praying to protect existing industry.
- One of the lessons he has learned is that zoning should have to do with zones and not with "Hodge Podge" here and there.
- Zoning should be painted with a large brush.
- It is important that people feel comfortable with zones.

Lisa Terrani

- She is asking for support of the interim controls for the Eastern Neighborhood.
- Interim controls are important because they guide development.
- Interim controls reduce the need to avoid development projects on a case by case basis.
- She requests revisions to the map of Showplace Square/Potrero. Some of the areas on the map should be changed from housing/mixed use to housing/PDR.
- These changes would ensure PDR spaces while the environmental review process is going on.
- The housing/mixed-use is not preferable in this area.

Kepa Askenazi – Coalition to Safe Potrero

- She would like interim controls for this area.
- They are asking for controls because it provides the exact designation of what people can do and cannot do while the environmental review process is going on.

Mike Burke

- His remarks are specifically to the NEMIZ.
- The neighborhood around 16th and Bryant is viable proof that there could be a combination of housing, businesses and restaurants.
- He is asking that "if it's not broken then don't fix it!"
- He proposed exemption language if this is the route that the Commission would like to take.

Teresa Garcia – Business Planning Manager for the Mission Economic Association

- Controls would provide a level of certainty.
- It is difficult enough to run a small business. It would be worse to have a developer force a small business to close.
- Controls would provide PDR businesses.
- She urged the Commission to pass controls and not policies.

Steve Atkinson

- He is against interim controls because it will impose an illegal housing moratorium.
- If the Commission trusts themselves they would not need controls.
- Controls would destroy many housing projects.
- Interim controls will reduce housing production and that includes affordable housing.
- State law requires special findings to be made to support a moratorium on family housing.

Eric Quezada

- Tonight he is asking the Commission about accountability.
- The controls are well thought out from the many, many meetings there have been in the communities.
- There is no affordable housing component in the document.
- They have been fighting for so long and so hard for permanent zoning in order to protect them.

Joe Boz

- There are various areas that have various requirements. Each one should be looked at separately.
- It is best to pass interim controls in Showplace Square and move into environmental rather quickly.
- It is important to split them into three and do the right thing.

Shawn Gorman

- The Showplace square was brought up before the Land Use Committee in November of last year.
- The area along 17th Street calls for NC. All the community maps called for NC along there.
- 17th Street should be mixed use housing.

Richie Hart – Residential Builders and Potrero Boosters

- The maps are not consistent.
- He supports interim policies.
- The EIR should begin now.
- The Commission has the discretion to approve or not to approve projects.

Alice Barkley

- The map from staff on appendix B was defectively produced.
- On 17th Street, it makes no sense to have [commercial] property across the street from a park.
- Parks are very precious to a community.
- From a Planning perspective, housing should be maximized so there is as much housing as possible.
- The plans should be changed to reflect this.

John Roach

- He lives in the Potrero Hill area.
- He supports interim policies because it will free up opportunity for small businesses.
- This area has changed dramatically with residential and there is a desperate need for small businesses.

Sean Kiegran

- There is a parcel on 17th Street and Carolina. The current zoning calls for housing.
- All three plans put forward by the neighborhood groups call for neighborhood commercial.
- Who wants PDR across from a park?

18.

(M. CHION: (415) 558-6314)

CONSIDERATION OF ADOPTION OF INTERIM POLICIES OR A RESOLUTION OF INTENT TO ADOPT INTERIM CONTROLS FOR SECTIONS OF THE EASTERN NEIGHBORHOODS: Mission (generally bounded by Guerrero, Division, Potrero, and Cesar Chavez Streets), SoMa (generally bounded by Mission, 7th Street, Freeway 80, 4th Street, the Embarcadero, and Folsom), and Showplace Square (generally bounded by 7th, Bryant, Potrero and 25th Streets). Public hearing on the adoption of interim policies or a resolution of intent to adopt interim zoning controls that would establish areas for Housing and Mixed Use, Core PDR, and Housing/PDR in sections of the Mission, South of Market and Showplace Square. The Housing and Mixed Use zoning overlay will encourage residential development; the Core PDR zoning overlay will primarily support production, distribution and repair activities; and the Housing/PDR zoning overlay will promote a mix of residential and other uses while preserving existing PDR space. The initiation of interim zoning controls would require the adoption of a resolution of intent to initiate that will enable the publication of a formal notice for a future public hearing at which hearing the Planning Commission would consider the adoption of interim controls.

(Continued from Regular Meeting of December 18, 2003)

NOTE: On December 18, 2003, following public testimony and Commission deliberation, the Commission closed the public hearing and continued this item to February 12, 2004 to allow the absent commissioner to participate. Commissioner Boyd was absent.

SPEAKER(S): None

ACTION: Adoption of interim policies for SOMA, NEMIZ of the Mission and the Showplace Square.

MOTION NO: 16726

Approved initiation of interim controls for the Mission (exempting the NEMIZ).

RESOLUTION NO: 16727.

AYES: Antonini, Bradford Bell, Boyd, W. Lee

NAYES: Feldstein, Hughes, S. Lee

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Eric Quezada

Re: Public Benefit Zoning

- This concept is about when rezoning happens in development by increasing density and give increased value to the landlords.
- Neighborhoods are entitled to recapture some of that value through public benefits in order to offset the impact of the added density. This will ensure that the new development will contribute to creating complete vibrant and healthy neighborhoods.
- Public Benefit Incentive Zoning gives developers incentives to build good housing in neighborhoods while recognizing the need to preserve the cultural and economic diversity of San Francisco's neighborhoods.
- It will also be a more predictable real estate environment.
- This is what they will be pursuing.

Luis Granados

- He is very disappointed with Director Larry Badiner.
- Mr. Badiner has robbed the Department and has brought it to another low.
- He hopes that a new director is hired as soon as possible.
- Mr. Badiner has shown a lack of understanding for planning principals for political expediency.
- He is so upset with Commissioners Boyd and Bradford Bell.
- It is shameful the way they have turned their backs on working class people.

Adjournment: 10:56 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, March 11, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 19, 2004

MAR 26 2004

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1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein,
Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:45 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Jim Miller; Costolino Hogan; Elaine Tope; Michael Li; Dan DiBartolo; Winslow Hastie; Adam Light; Jonas Ionin; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.0587HXVLU (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET - north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets (the lot and structure are L-shaped)), Lot 5, in Assessor's Block 341 -- Request for 1) a Permit to Alter under Article 11 for a substantial increase in height to a Category I Building; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an one-story vertical addition, historic façade rehabilitation, and conversion of existing office space to approximately 33 residential dwelling units, with an exception to the Planning Code rear yard requirements; 3) the granting of residential open space, dwelling unit exposure, and parking variances; 4) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 244; and 5) recommendation to the Board of Supervisors for conditional approval of a conditional Mills Act Contract; all for the subject property, which is in the C-3-G Zoning District and a 110-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission.
(Proposed for Continuance to March 18, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to March 18, 2004
 AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

2. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for conditional use authorization to install a wireless telecommunications facility for Cingular Wireless consisting of one antenna and two equipment cabinets on the 5th & Mission Garage. The antenna will be façade-mounted against an existing elevator penthouse on the roof of the garage, and the equipment cabinets will be located adjacent to the same penthouse. The project site is within a P (Public Use) District and a 90-X/340-I Height and Bulk District. The proposed facility meets Location Preference 1 of the WTS Facilities Siting Guidelines.
 Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to March 4, 2004
 AYES: Antonini, Bradford Bell, Boyd, Hughes, Feldstein, S. Lee, W. Lee

3. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for a General Plan Referral to determine if the construction of a wireless telecommunications facility for Cingular Wireless on the roof of the 5th & Mission Garage is consistent with the objectives and policies of the General Plan.
 Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan.
(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to March 4, 2004
 AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

4. 2003.0724C (M. WOODS: (415) 558-6315)
1287-89 11TH AVENUE - west side between Irving Street and Lincoln Way; Lot 19, in Assessor's Block 1739 - Request for Conditional Use authorization under Sections 303 and 730.39 of the Planning Code to demolish two residential units on the second and third floors of a building on an approximately 2,400 square-foot lot in the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk Districts. The proposed project would demolish the existing two-story over garage, two-family building and construct a new three-story over three-car garage building containing three dwelling units.
 Preliminary Recommendation: Pending
 (Continued from Regular Meeting of December 18, 2003)
(Proposed for Continuance to April 15, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to April 15, 2004.
 AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 5a. 2003.0295CV (G. NELSON: (415) 558-6257)
899 NORTH POINT STREET - southeast corner at Larkin Streets; Lot 026 in Assessor's Block 0020 - Request for Conditional Use authorization pursuant to Sections 209.1 and 228.3 of the Planning Code to construct an approximately 40-foot tall, 4-story, 5-unit residential structure containing 7 off-street parking spaces in an RH-3 (Residential,

House, Three-family) District, the Waterfront Special Use District No. 2 and a 40-X Height and Bulk District. The project site was formerly a service station and is now in use as a parking lot. This proposal requires Conditional Use authorization because 1) it proposes a dwelling unit density of greater than 3 units in an RH-3 District and 2) it proposes to convert a service station use to residential use. This project is also seeking a Variance from the Planning Code, case No. 2003.0295CV.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of February 5, 2004)

(Proposed for Indefinite Continuance)

SPEAKER(S): None

ACTION: Continued Indefinitely

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 5b. 2003.0295CV (G. NELSON: (415) 558-6257)
899 NORTH POINT STREET - southeast corner of North Point and Larkin Streets; Lot 026 in Assessor's Block 0020 - Request for Variance from Section 134 of the Planning Code to construct a 4-story residential building into the required rear yard. Section 134 of the Planning Code states that the minimum rear yard depth in an RH-3 District shall be equal to 25 percent of the total depth of the lot on which the building is situated. Rather than leave a 22' wide gap in the North Point Street frontage, the proposal is to construct an approximately 40' X 22' portion of the project fully into the rear yard along North Point Street, leaving a comparable rear yard to the interior of the lot of approximately 1,480 square feet.

(Continued from Regular Meeting of February 5, 2004)

(Proposed for Indefinite Continuance)

SPEAKER(S): None

ACTION: Continued Indefinitely

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption of draft Minutes of January 22, 2004

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

7. Commission Comments/Questions

Commissioner Feldstein:

Re: SOMA Leadership Council Meeting of February 18, 2004:

- The council is starting to discuss affordable housing issues in their neighborhood and talk about West SOMA and what they would like to see.
- Supervisor Daly was in attendance.
- She was please to be part of this meeting.
- No decisions were made, just discussions.

Commission Secretary:

Re: Vacations

- She passed out a calendar for 2004 so that Commissioners can jot down when they will be on vacation or when they will miss a meeting.

Commission Antonini:

Re: Coalition of San Francisco Neighborhoods – Monday, February 16, 2004

- He attended this meeting.

- Mr. Carruso from the Mayor's Neighborhood Services was in attendance.
- It was a very good meeting.

Commissioner Sue Lee:

Re: Recommendations from SPUR and the AIA for City Planning and Building Inspection

- She would like all members of the Commission to receive a copy of this report.

Commissioner Bradford Bell:

Re: Eastern Neighborhoods

- She requested that staff provide her with information on the decision she made last week regarding the Eastern Neighborhoods.
- She wants to review her position on some things.
- She will not address this issue until staff provides her with this information.

8. **ALTERNATING CASE TYPES** - In September, 2003, the Commission instituted a policy, on a trial basis, to alter how project types were to be scheduled on their public hearing calendars. At that time, it was felt that with all case types on the same calendar, some were being heard consistently while others were being continued consistently. In an attempt to address this, it was established that case types would be alternated with Discretionary Review (DR) cases scheduled on one hearing day and other non DR cases on an alternate hearing day. On December 11, 2003 the Commission took an action to continue the alternating schedule subject to review again in approximately 60 days or upon receipt of staff's recommendations to changes in the Discretionary Review process or adoption of policies related to administrative review of the Discretionary Review process.

At this time, the Commission would like to discuss the effectiveness of alternating case type schedules, and consider maintaining it, modifying it, or abolishing it.

SPEAKER(S):

Adam Light

- It makes it difficult for cases that get continued because it could "bump" the case two weeks instead of one week.
- He is in favor of mixing the calendar and estimating as best as possible how much time each case will take and try not to extend the calendars so long.

Patricia Vaughey

- Is there any possible way that long and complicated cases could be scheduled towards the end of the calendar?
- This would eliminate the need for those members of the public who are here for shorter cases to wait so long.

ACTION: Commission adopted the recommendation of Acting Director, Larry Badiner: Mix each calendar by alternating case types and place on the calendar. (i.e. Discretionary Review type cases would be first one week on the calendar and Conditional Uses and other type cases would be first the next week).

C. DIRECTOR'S REPORT

9. Director's Announcements
None
10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS – None

BOA –

Re: 111 Lobos Street

- This case was continued to February 25, 2004. This was a mandatory Discretionary Review under the demolition policy.

Re: 710 Edinburg Street

- The Board did hear this case.
- The case came before the Commission on a Discretionary Review of a building permit.
- The Commission did not take DR and allowed the construction to go ahead.
- This case consisted of adding a second story to a garage at the front of the lot and an addition to a non complying building at the rear of the lot.
- The Board upheld the Commission's decision but did require that no construction be permitted on the second story of the garage building. This consisted of a proposed bathroom and a very large computer room.
- The Board feared that this could have been converted to an illegal unit.

Re: 572 San Jose Avenue

- The Board did hear testimony but continued the matter to March 3, 2004 in order to give the two parties involved (the tenant and the building owner) one more attempt to work out an agreement between them.

SPEAKER(S):

Patricia Vaughey

Re:

- Last night there was a hearing on 2717 Baker Street.
- The neighbors appealed it because there was a Variance hearing and at the hearing it was mentioned that this case would be reconvened or continued.
- The Zoning Administrator made a decision about four months later and the neighbors felt that they did not get a chance to a fair hearing.
- There have been three meeting with the neighbors and the developers and they said that they were not going to change anything.
- The neighbors gave a compromise offer.
- There was a meeting with the developers and they said that they would take this new idea to their architects.
- They never replied.
- The Board of Appeals did give the neighbors a four foot setback.
- It is important to not give too much power to people. A very good compromise could have come out of this if they would have had direction from staff.
- A policy needs to be implemented when developers do not want to deal with the public.

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

SPEAKER(S):

Kate White

Re: Budget

- She is very happy to see that in the supplemental budget the Balboa Better Neighborhoods and the Central Waterfront Better Neighborhoods EIRs are in there for funding now.
- She reiterated her commitment to trying to get it into the base budget.
- She truly supports the base budget and will be rooting for the department.

Kevin Cashman – Northern Police Station*Re: 1145 Polk Street*

- As captain of Northern Station has been faced with different challenges.
- There has been an issue that they have been very frustrated regarding prostitution in the Polk Street area.
- There have been a series of complaints and petitions against this problem.
- After reviewing the situation they initiated an aggressive enforcement campaign.
- They have made hundreds of arrests of prostitutes and Johns.
- Some of the residents have been so frustrated that they have threatened the police with lawsuits.
- The police is not against anyone owning their own business and trying to progress but there is a lot of late night activity in this area.

Sgt. Marty Layler*Re: 1145 Polk Street*

- The prostitutes in the area use any open business to hide whenever they see a patrol car.
- He handed out a map of a quarter mile radius of the problematic area.
- They have been working very hard to stop all this illegal activity.
- They are working with the businesses in the area to be able to function in a safe manner.

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

11. 2003.1082C (J. MILLER: (415) 558-6344)
1145 POLK STREET - west side between Sutter and Hemlock Streets, Lot 1 in Assessor's Block 691 - Request for authorization of a Conditional Use for extension of hours of operation to include the time between 2:00 and 6:00 A.M. ("Polk & Sutter 24 Hour Store & Deli") (Planning Code Section 723.27), in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District. No physical expansion or other alteration of the building is proposed.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of February 5, 2004)
NOTE: On February 5, 2004, following public testimony, the Commission closed public hearing and passed a motion of intent to approve by a vote +6 -0 with the following conditions: Project Owner shall 1) enhance interior lighting; 2) install a door buzzer; 3) adhere to approved hours of operation; and 4) host neighborhood watch meetings. The project is to come back for review in 6 months. Final Language: February 19, 2004. Commissioners Boyd was absent

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
MOTION: 16729

12. (C. HOGAN: (415) 558-6610)
PLANNING DEPARTMENT'S PROPOSED WORK PROGRAM AND BUDGET FOR FY 2004-2005 – Presentation of the San Francisco Planning Department Work Program and Budget, and consideration of approval of a draft resolution adopting the Planning Department's proposed work program and budget for fiscal year 2004-2005.
Preliminary Recommendation: Approval
NOTE: On February 12, 2004, following public testimony, the Commission closed the public hearing and passed a motion of intent to approve by a vote +7 -0. Final Language scheduled for February 19, 2004.

SPEAKER(S): None
ACTION: Approved as Amended: Add \$50,000 for national search for Director of Planning position.
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
MOTION: 16730

F. REGULAR CALENDAR

13. (D. ALUMBAUGH/J. RUBIN: (415) 558-6601/558-6310)
CENTRAL WATERFRONT NEIGHBORHOOD PLAN – Informational presentation on the draft Central Waterfront Neighborhood Plan, a part of the Better Neighborhoods Program. The purpose is to presents staff's suggested amendments to the draft plan and to clarify the plan's proposals for housing. No action is requested.

SPEAKER(S): None

ACTION: Without hearing, item continued to March 18, 2004.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

14. 2003.1077C (E. TOPE: (415) 558-6316)
1970 McALLISTER STREET - north side between Central Avenue and Lyon Street, Lot 014 in Assessor's Block 1159 - Request for Conditional Use Authorization pursuant to Planning Code Section 185 to indefinitely extend the operation of an existing nonconforming automobile repair garage (Carlos Exclusive Auto Service) in an RM-1 (Residential, Mixed District, Low Density) and a 40-X Height and Bulk District. Preliminary Recommendation: Approval with Conditions.
 (Continued from Regular Meeting of February 5, 2004)

SPEAKER(S):

Carlos Martin – Project Sponsor

- He is confident that he is compliant with the codes and the motion from the Department.
- He is not requesting conditions that are hazardous or offensive to the neighborhood.
- Two complaints were related to the extension. He is confident that the Department will agree that the complaints are based on misinformation. The shop has more than plenty of space to store the vehicles. Excessive noise is eliminated because all of the work is done inside the shop. The business hours are from 8 to 6 p.m. Monday thru Friday when most residents are away from home.
- He insists that every customer park inside the shop so there will not be traffic problems related to double parking. If there are people who double park, they are not related to the his shop.
- The daily stream of cars range from 7 to 15 cars so there is no need for street parking.
- He has asked various neighbors to sign petitions in support of the shop.
- One of the neighbors has brought up the issue that the shop is not in the best interest of the neighborhood, but there have been many, many neighbors who have signed this petition in support.

ACTION: Approved with the following modified conditions: 1) Condition No. 6 should be corrected to read: *building shall be maintained in a sound and attractive condition consistent with the general appearance of the neighborhood*; 2) number of cars on the premises should be no more than 50 cars; 3) parking be available for employees; 4) condition No. 10 be amended to include a time limit of 30 days to resolve issues brought up by neighbors; 5) delivery trucks should pull fully into the garage for deliveries.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16731

Item 15 was called out of order and followed item 17.

15. 2003.1314C (M. LI: (415) 558-6396)
900-916 GRANT AVENUE - northeast corner at Washington Street, Lot 012 in Assessor's Block 0194 - Request for conditional use authorization to establish a small

self-service restaurant (an ice cream parlor) of approximately 1000 square feet within the Chinatown Visitor Retail District and a 50-N Height and Bulk District. There will be no physical expansion of the existing building. The name of the business is not known at this time.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Kong Ki Chu – Structural Engineer

ACTION: Hearing Held. Item continued to February 26, 2004 (Public Comment remains open).

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

16. 2003.1258C (D. DiBARTOLO: (415) 558-6291)
444 PRESIDIO AVENUE - east side between Sacramento and California Streets; Lot 026 in Assessor's Block 1022 - Request for Conditional Use Authorization pursuant to Section 711.83 of the Planning Code to install and operate a wireless telecommunication facility as part of the Sprint Wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk district, upon the roof of an approximately 46' 4" tall hotel building (Laurel Inn). As per the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 4, as the project site is a wholly commercial structure within an NC-2 District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Jennifer Estes – Representing Sprint PCS

- This application complies with the WTS Siting Guidelines and the San Francisco Municipal Code.

- The antennas will operate 750 times below the Federal Communication's Radiation Guidelines.

- They have received the support of the neighborhood for this application.

- They conducted neighborhood meetings and only six people were in attendance.

- Sprint offered to take the neighbors to other Sprint sites to familiarize themselves with a Sprint antenna site.

- Sprint has been in contact with the JCC (Jewish Community Center) regarding the issues and questions.

- This site is necessary for Sprint to address the insufficient coverage in the neighborhood.

- The site will be visually unobtrusive.

(-) Doug Lorringer

- He lives about three blocks from the site.

- He is asking for a continuance for about one month so that the six thousand members of the Jewish Community Center can receive more information and discuss it more.

- He spoke to the Director of the JCC and he was concerned that the members of the JCC have not been individually notified and have not had a chance to take a stand on this issue.

ACTION: Approved with the additional conditions: 1) setback to the greatest extent possible the two (2) antennas located at the corner of California and Presidio; 2) Project Sponsor to work with staff to find the least intrusive color.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16732

17. 2003.1296C (W. HASTIE: (415) 558-6381)
3198 16TH STREET (A.K.A. 389 GUERRERO) - north side on the corner of 16th and Guerrero Streets; Lot 27 in Assessor's Block 3555 - Request for Conditional Use Authorization to permit alcoholic beverage service (with Alcohol Beverage Control Liquor License type 47) in conjunction with the permitted full-service restaurant on the subject property, "Andalu Restaurant," pursuant to Planning Code Sections 726.41 and 790.22. The property is located within the Valencia Neighborhood Commercial District, within a 40-X Height and Bulk limit, and is subject to the Mission Alcoholic Beverage Special Use Subdistrict.

Preliminary Recommendation: Approve with Conditions

SPEAKER(S):

(+) Howard Westel – Farella, Baun and Martel

- He is not aware of any opposition.

- He is available for questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16733

- 18a. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of CEQA findings and a mitigated negative declaration pursuant to 1) a finding that a net new shadow impact on Union Square Park is not adverse; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an eight-story vertical addition, historic façade restoration, and conversion of an existing office building to a mixed-use project for up to 64 residential dwelling units, up to 73 hotel time-share units, approximately 6,500 square feet of ground level retail space, and a sub grade parking garage (capable of accommodating up to 29 independently-accessible parking spaces and two loading spaces with the capability of accommodating up to 100 vehicles through the use of valet services and vehicle stacking), with exceptions to the Planning Code for the separation of towers requirement, residential open space requirements, publicly-accessible open space requirements, dwelling unit exposure requirements, ground-level wind currents, independently-accessible parking, sunlight access to sidewalks, and an upper tower extension; 3) a Conditional Use application to allow a hotel in the C-3-O (Downtown, Office) Zoning District; 4) a recommendation to the Board of Supervisors for a General Plan amendment to change the height and bulk district of the existing site; 5) a recommendation to the Board of Supervisors for approval of the creation of the Downtown Housing Demonstration Special Use District encompassing and comprised of the subject property and allowing, among other items, exceptions under Section 309 for residential open space requirements, publicly-accessible open space requirements, and dwelling unit exposure; 6) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 243 (to be heard at a subsequent Planning Commission hearing date); and 7) recommendation to the Board of Supervisors for conditional approval of a Mills Act Contract (also to be heard at a subsequent Planning Commission hearing date) ; all for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. The proposal is to:
- 1) Seismically upgrade the subject 16-story office building (The Old Chronicle Building), which would include infilling a large light well at the rear of the building that is not visible from any public right-of-way;

- 2) Restore the historic building façade by removing a non-historic metal, glass and marble cladding system installed in 1962 and rehabilitating/restoring/reconstructing intact, damaged and missing historic façade features;
- 3) Construct an eight-story vertical addition that will result in a building height of approximately 312 feet, and a Floor Area Ratio (FAR) of approximately 19.68 if the residential floor space were to be counted toward the FAR calculation as currently required by the Planning Code (see item No. 5 below);
- 4) Convert the existing office building use to a mixed-use project that would have at least 40, but up to 64 residential dwelling units, at least 49, but up to 73 hotel time-share units (for a combined total of 113 hotel and residential units), approximately 6,500 square feet of ground level retail space, replacing an existing retail bank, and creating a sub grade parking structure, that given the irregular floor plate shape and placement of support columns would yield a maximum of 29 independently-accessible parking spaces and two loading spaces on the project site with the capability of providing up to 100 valet and vehicle-stacking spaces in place of the independently-accessible spaces. The new parking facility would be accessed through an existing sub grade garage facility at the adjacent 88 Kearny Street property, thereby not requiring a garage entrance at the ground level of the subject 690 Market Street property;
- 5) In order to construct the addition; infill the light well; implement the proposed change of use; grant exceptions for residential open space, publicly-accessible open space, and dwelling unit exposure under the procedures of Section 309, a new Special Use District is proposed to change the existing height district to a 285-S Height and Bulk District (the Planning Code allows for a 10% increase in height over the height limit under certain criteria, in this case up to 313.5 feet), eliminate residential uses from Floor Area Ratio calculations, and allow said exceptions under Section 309 instead of requiring variances. The Special Use District would also require a minimum of 15% on-site or 17% off-site Below Market Rate (BMR) units. The Downtown Element of the General Plan must also be amended as it specifies the height and bulk districts as currently designated within the C-3 zoning districts;
- 6) The Project Sponsor is proposing to meet the Below Market Rate (BMR) housing requirement by constructing the required BMR units off-site at 938 Market Street, a project that is seeking authorization concurrently with the subject application (2003.0587HXVLU);
- 7) The project sponsors are seeking to avail themselves of the Mills Act, which allows local governments to grant property tax relief benefits in exchange for the guaranteed preservation of a historic property. In order to qualify under the San Francisco Administrative Code, the property must either be designated as a San Francisco Landmark or listed separately on the National Register. As neither condition is the case with the subject property, the project sponsor is seeking conditional San Francisco landmark status. The proposed Landmark Designation would become final upon the completion of the proposed project consistent with the Rehabilitation Program set forth by the proposed Mills Act contract.

Preliminary Recommendation: Adopt CEQA findings and mitigated negative declaration.

SPEAKER(S):

Re: Request for Continuance

(+) Mary Murphy – Farella, Braun and Martel

- She would rather not have this case continued.
- She apologized to the Commissioners who did not receive their case material on time.
- She would request that the Commission hear the project sponsor and then decide if they need more information.
- They have done an extensive public outreach.
- Yesterday, the Landmarks Board unanimously approved this project.

ACTION: Without hearing, item continued to March 18, 2004
 AYES: Boyd, Feldstein, Hughes, S. Lee,
 NAYES: Antonini, Bradford Bell, W. Lee

- 18b. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a finding that a net new shadow impact on Union Square Park is not adverse for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
 Preliminary Recommendation: Adopt finding.

SPEAKER(S): Same as those listed for item 18a.
 ACTION: Without hearing, item continued to March 18, 2004
 AYES: Boyd, Feldstein, Hughes, S. Lee,
 NAYES: Antonini, Bradford Bell, W. Lee

- 18c. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a Determination of Compliance under Section 309 of the Planning Code to permit an eight-story vertical addition, historic façade restoration, and conversion of an existing office building to a mixed-use project for up to 64 residential dwelling units, up to 73 hotel time-share units, approximately 6,500 square feet of ground level retail space, and a sub grade parking garage (capable of accommodating up to 29 independently-accessible parking spaces and two loading spaces with the capability of accommodating up to 100 vehicles through the use of valet services and vehicle stacking), with exceptions to the Planning Code for the separation of towers requirement, residential open space requirements, publicly-accessible open space requirements, dwelling unit exposure requirements, ground-level wind currents, independently-accessible parking, sunlight access to sidewalks, and an upper tower extension, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
 Preliminary Recommendation: Approval of Determination of Compliance with Exceptions Motion with Conditions.

SPEAKER(S): Same as those listed for item 18a.
 ACTION: Without hearing, item continued to March 18, 2004
 AYES: Boyd, Feldstein, Hughes, S. Lee,
 NAYES: Antonini, Bradford Bell, W. Lee

- 18d. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a Conditional Use application to allow a hotel in the C-3-O (Downtown, Office) Zoning District, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
 Preliminary Recommendation: Approval of Conditional Use Motion with Conditions.

SPEAKER(S): Same as those listed for item 18a.
 ACTION: Without hearing, item continued to March 18, 2004
 AYES: Boyd, Feldstein, Hughes, S. Lee,
 NAYES: Antonini, Bradford Bell, W. Lee

- 18e. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the Board of Supervisors a General Plan amendment to change the height and bulk district of the existing site, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
 Preliminary Recommendation: Adoption of Draft Resolution

SPEAKER(S): Same as those listed for item 18a.
 ACTION: Without hearing, item continued to March 18, 2004
 AYES: Boyd, Feldstein, Hughes, S. Lee,
 NAYES: Antonini, Bradford Bell, W. Lee

- 18f. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the Board of Supervisors the approval of the creation of the Downtown Housing Demonstration Special Use District encompassing and comprised of the subject property, requiring a Planning Code Text Amendment and Zoning Map Amendment, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
 Preliminary Recommendation: Adoption of Draft Resolution

SPEAKER(S): Same as those listed for item 18a.
 ACTION: Without hearing, item continued to March 18, 2004
 AYES: Boyd, Feldstein, Hughes, S. Lee,
 NAYES: Antonini, Bradford Bell, W. Lee

19. 2003.1049T (J. IONIN: (415) 558-6309)
ADMINISTRATIVE DISCRETIONARY REVIEW POLICY - Consideration of a Resolution recommending that the Board of Supervisor's amend Planning Code Sections 311 and 312 to establish an Administrative Discretionary Review Policy, and creating a Pre-Application process for new construction and certain alterations in RH and RM districts.
 Preliminary Recommendation: Adoption
 (Continued from Regular Meeting of February 5, 2004)

SPEAKER(S):
Paul Wermer – Pacific Heights Residents Association
 - He represents the Pacific Residents Association.
 - He is in favor of the pre-application process. However there are two areas where improvement is possible: 1) how to address the initiation of plans after the pre-application process, and 2) there is too much of a restricted notification process to the abutting neighbors.
 - It is better to err in the process of advising more neighbors than necessary.
 - The Residential Design Guidelines are not applied consistently.
 - He has full confidence that with the proper guidance [staff] will be able to manage the various Discretionary Review areas.
Eileen Boken
 - Much of the reason that the Planning Commission meetings go for so long is because many of the Discretionary Reviews could be avoided.
 - Administrative Discretionary Reviews and the pre-application process are two separate issues and should be not be grouped together.
 - She supports the pre-application process if it were broadened to include all residential alternations and permit applications and if it were implemented for a 12 month period.

- She believes that the Budget Analyst's audit proposed a very good solution. The City's Planning and Administrative Code allows for the extensive use of Conditional Use and Discretionary Reviews in San Francisco compared to other California cities and counties.
- Because of the frequent use of Conditional Use or Discretionary Review approval of many projects is uncertain, the most important thing to do is to find a solution that results in a reduction of Discretionary Review applications.
- Better neighborhood plans would drastically reduce the number of Discretionary Reviews.

Ron Miguel – Planning Association for the Richmond (PAR)

- He acknowledged the work of Jonas Ionin.
- PAR is concerned with clarity and consistency.
- The concept of a pre-application process is an excellent one.
- There has to be some consistency and training for the planners.
- It is essential that the Residential Design Guidelines are being followed for this process.
- He agrees that the notification process should be expanded.
- He would propose a six-month [review] of this policy.
- He would like to see this go ahead.

Bob Klausner – Volunteer Mediator for Community Boards

- He complimented staff on implementing what the desires of the Commission are.
- His organization is interested in conflict resolution.
- The pre-application will cut out a lot of the problems that end up in Discretionary Reviews.
- He thinks that with minimal tweaking, a reduction of projects can be accomplished.
- It is important to include as many people as possible in the 311 notices.
- Staff always takes a "bad wrap," but part of the problem is that staff does not receive all the information they need.
- There should be a form filled out in the pre-application so that planners understand exactly what the concerns of the community are.

Bruce Bonacker – San Francisco Neighborhood Network

- He supports this policy.
- He would like to have officers that are knowledgeable and neutral.
- He is very much in favor of giving this a beta test for a year in order to come back to the Commission and tweak it a bit.
- He is very happy with the pre-application concept.
- He would like to have this "put into effect now!"
- This process will result in fewer Discretionary Reviews. But it is important to do it cautiously.

John Schlesinger – American Institute of Architects

- The time to start this process is now.
- It is important to start administrative discretionary right away.
- He is proposing not having a hearing but having a more informal process.
- He recommends allowing these cases to be reported to the Commission prior to being heard by a staff person. If there is a problem with the project then the Commission could request to have it heard. There should be a review in six months to see how things are working.

Hiroshi Fukuda – Coalition of San Francisco Neighborhoods

- He supports the pre-application process.
- He is neutral regarding the Administrative Discretionary Reviews.
- He believes that some planners are better trained than others.
- Many do not bring information regarding surrounding neighborhoods.
- If the pre-application process is done early enough it would help.

Judy Berkowitz – Coalition of San Francisco Neighborhoods

- She understands that about two days ago the document was changed and she has not seen that document.
- She understands that there will be several meetings in the future.
- She proposes a review of this policy after 12 months.

- If the pre-application process is successful then the Administrative Discretionary Reviews would be unnecessary.
- She suggests that the Residential Design Guidelines and the codes be followed closely.
- Anita Theoharis – Vice President of the Westwood Park Neighborhood Association**
- She served for five years as a Planning Commissioner and knows that Discretionary Reviews add to the already heavy workload.
- She urges the Commission not to take any steps to limit the community in making their case before the them.
- The Planning Commission specializes in neighborhood planning issues. The Board of Appeals does not.
- As a concerned citizen she realized that Discretionary Reviews was her single most important tool to provide input to the Commission.

Terry Milne – Bernal Heights East Slope Design Review Board

- The citizens voted for proposition D for a more transparent and open Planning Commission and to have a voice at City Hall.
- Restrictions to the public's right to petition this Commission is in opposition to Proposition D.
- Only Discretionary Reviews allow the Commission to oversee and manage planning staff.
- Discretionary Reviews allow the Commission to understand the trouble spots in the code through citizens' voices at the meetings.
- One of the reasons that not many Discretionary Reviews come from their neighborhood is because they have two design review boards.

Karen Wood – Miraloma Park Improvement Club

- They have a good record of working with various City agencies.
- She supports the position of the San Francisco Coalition of Neighborhoods.
- She supports the pre-application process and feels this would avoid Administrative Discretionary Reviews.
- This is not to say that staff is not capable of making decision, it is just that people have the right to express their opinions.

Marilyn Amini

- She asked the Commission to take no decision on this matter.
- This issue is extremely important to the community.
- San Francisco's unique character and charm has been preserved by the right to have Discretionary Reviews.
- It has been inadequate the way noticing has been done regarding the proposed DR policy change.

MOTION: Approve and amend various criteria and lower threshold
 AYES: Feldstein and Hughes
 NAYES: Antonini, Bradford Bell, Boyd, S. Lee, W. Lee
 RESULT: Motion Failed

ACTION: Item continued to April 1, 2004 with instructions to staff to explore criteria for simple Discretionary Reviews vs. complex Discretionary Reviews.
 AYES: Antonini, Bradford Bell, Boyd, W. Lee, S. Lee
 NAYES: Feldstein and Hughes

20.

(L. BADINER/D. LIM: (415) 558-6411/558-6547)

PLANNING DEPARTMENT MANAGEMENT AUDIT - Review of Budget Analyst's management audit of June 2002 and Commission consideration of recommendations/implementation by Planning Commission for follow-up.
 (Continued from Regular Meeting of February 5, 2004)

SPEAKER(S): None
 ACTION: Hearing held. No action taken by the Commission.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Emeric Kalman

Re: Item 20 – Management Audit

- There was no presentation on this item.
- Will the audit be presented to the Board of Supervisors?

Acting Director Badiner responded:

- The Board of Supervisors has already considered this audit. It was presented by the Budget Analyst in 2002.
- Staff has incorporated many of the recommendations.
- Supervisor Daly has called for a formation of an Audit Committee to review the progress, but this has not yet been formed.
- It is up to the Board of Supervisors to determine whether they want staff to come back to them on this audit.

Adjournment: 9:02 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, March 18, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 26, 2004

MAR 26 2004

SAN FRANCISCO
PUBLIC LIBRARY

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Tim Kelley (President of the Landmarks Advisory Board); Michael Li; Dan DiBartolo; Sara Vellve; Elaine Tope; Dario Jones; Ben Fu; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2001.1039E (A. AGUILAR: (415) 558-5973)
55 NINTH STREET - Certification of a Final Environmental Impact Report: The State Compensation Insurance Fund (SCIF) proposes to expand their San Francisco office at 1275 Market Street by constructing an adjacent 12-story, approximately 268,000 gross-square-foot (gsf) office building at 55 Ninth Street. The project site (Assessor's Block 3701, Lot 63) is occupied by a surface parking lot and located mid-block on the northeastern side of Ninth Street in the block bounded by Market, Ninth, Mission, and Eighth Streets in the Mid-Market neighborhood. The new building would be approximately 198 feet high, including mechanical penthouse, and would have a two-level below-grade parking garage with about 126 parking spaces. The entrance to the new building and access to off-street parking and loading would be from Ninth Street. Trucks would enter and exit on Ninth Street and could exit to Laskie Street onto Mission Street. The project site is zoned C-3-G (Downtown General Commercial) and is within a 120-X Height and Bulk District.

Preliminary Recommendation: Certify the Final Environmental Impact Report. Please note that the public review period for the Draft Environmental Impact Report ended at 5:00 pm, January 27, 2004.

(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 4, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

2. 2001.1039E!KBMXZ (M. LUELLEN: (415) 558-6478)
55 NINTH STREET - east side between Mission and Market Streets, Lot 063 in Assessor's Block 3701 – Requests for: (1) Recommendation to reclassify the site from a 120-X Height and Bulk District to a 200-S Height and Bulk District; (2) Recommendation to amend the Downtown Area Plan of the General Plan to reclassify the site from a 120-X Height and Bulk District to a 200-S Height and Bulk District; (3) Determination of Compliance and Exceptions under Planning Code Section 309 (Downtown Project); (4) Authorization under Planning Code Sections 320 through 325 for a 12-story, approximately 198 foot tall building with up to approximately 268,000 square feet of office space; and (5) Finding no adverse shadow impact. The Project also includes approximately 25,392 square feet of open space, two loading docks, and approximately 126 off-street parking spaces.

Preliminary Recommendation: Adopt findings and draft resolutions, and approve with conditions.

(Proposed for Continuance to March 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 4, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

3. 2003.1312T (P. LORD: (415) 558-6311)
LANDMARK TRANSFERABLE DEVELOPMENT RIGHTS AND ARTWORK CONTRIBUTIONS - Consideration of an Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(Proposed for Continuance to March 4, 2004) March 11, 2004

SPEAKER(S): None

ACTION: Without hearing, item continued to March 11, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

4. 2000.465E: (R COOPER: (415) 558-5974)
HOUSING ELEMENT OF THE SAN FRANCISCO GENERAL PLAN - Appeal of the Preliminary Negative Declaration for the proposed revision of the Housing Element of the *San Francisco General Plan*, which is an update of the 1990 Residence Element of the *San Francisco General Plan*. The Housing Element is a public policy document that comprehensively addresses issues of housing needs for San Francisco residents and households. Included in the Housing Element is San Francisco population, employment and housing data analysis. Eight new policies are proposed to be added to the 63 policies and 11 objectives that have been modified or retained from the 1990 Residence Element.

Preliminary Recommendation: Uphold Preliminary Negative Declaration

(Proposed for continuance to ~~March 18, 2004~~) April 1, 2004

SPEAKER(S): None
ACTION: Without hearing, item continued to April 1, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 5a. 2003.0904D (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET - south side between Powell and Mason; Lot 028 in Assessor's Block 0191 - Mandatory Discretionary Review of Building Permit Application No. 2003.07.24.0318 proposing the demolition of a two-family dwelling and its replacement with a new building containing nine dwelling units. The subject property is located in an RM-3 (Mixed Residential, Medium Density) District and a 65-A Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and approve the Demolition Permit.
(Continued from Regular Meeting of January 8, 2004)
(Proposed for Continuance to April 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 1, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 5b. 2003.0535EDV (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET - south side between Powell and Mason Streets, Lot 028 in Assessor's Block 0191, in an RM-3 (Mixed Residential, Medium Density) District and a 65-A Height and Bulk District - Request for Discretionary Review of Permit Application 2003.05.20.5122 to construct a new four-story, nine-unit residential building approximately 40 feet in height.
Preliminary recommendation: Take Discretionary Review and approve the permit with conditions.
(Continued from Regular Meeting of January 8, 2004)
(Proposed for Continuance to April 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 1, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

6. 2004.0151D (M. WOODS: (415) 558-6315)
2250 JACKSON STREET - north side between Buchanan and Webster Streets; Lot 008 in Assessor's Block 0589 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.07.07.8857S, proposing to merge five dwellings units to a single-family residence in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to April 8, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 8, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

7. 2003.0873D (G. CABREROS: (415) 558-6169)
2524-2540 ANZA STREET - north side between 16th and 17th Avenues; Lot 023 in Assessor's Block 1528 - Request for Discretionary Review of Building Permit Application No. 2002.12.10.3209, proposing to add a new fourth floor to the existing three-story, four-

unit building in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of January 8, 2004)

(Proposed for Continuance to April 8, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to April 8, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

8. 2003.1079D (R. CRAWFORD: (415) 558-6358)
3344 MARKET STREET - northeast side between Glendale and Clayton Streets. Assessor's Block 2717 Lot 004F. Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition of Demolition Permit Application No. 2003.06.26.8149, to demolish the existing one family house and construct a new one family house in an RH-2 (Residential House, Two Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review, and approve the Demolition Permit.

(Continued from Regular Meeting of January 8, 2004)

(Proposed for Indefinite Continuance)

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

9. 2003.1327DD (M. SMITH: (415) 558-6322)
830 GARFIELD STREET - north side of the street between Monticello and Byxbee Streets, Lot 025 in Assessor's Block 6997 - Request for Discretionary Review of Building Permit Application No. 2003.09.16.4881, proposing to construct a two-story rear horizontal addition on a single-family dwelling, located in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take discretionary review and approve the project as modified.

DISCRETIONARY REVIEW APPLICATIONS WITHDRAWN

SPEAKER(S): None

ACTION: Discretionary Review Application Withdrawn

- 10a. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of CEQA findings and a mitigated negative declaration pursuant to 1) a finding that a net new shadow impact on Union Square Park is not adverse; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an eight-story vertical addition, historic façade restoration, and conversion of an existing office building to a mixed-use project for up to 64 residential dwelling units, up to 73 hotel time-share units, approximately 6,500 square feet of ground level retail space, and a sub grade parking garage (capable of accommodating up to 29 independently-accessible parking spaces and two loading spaces with the capability of accommodating up to 100 vehicles through the use of valet services and vehicle stacking), with exceptions to the Planning Code for the separation of towers requirement, residential open space requirements, publicly-accessible open space requirements, dwelling unit exposure requirements, ground-level wind currents, independently-accessible parking, sunlight access to sidewalks, and an upper tower extension; 3) a Conditional Use application to allow a hotel in the C-3-O (Downtown, Office) Zoning

District; 4) a recommendation to the Board of Supervisors for a General Plan amendment to change the height and bulk district of the existing site; 5) a recommendation to the Board of Supervisors for approval of the creation of the Downtown Housing Demonstration Special Use District encompassing and comprised of the subject property and allowing, among other items, exceptions under Section 309 for residential open space requirements, publicly-accessible open space requirements, and dwelling unit exposure; 6) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 243 (to be heard at a subsequent Planning Commission hearing date); and 7) recommendation to the Board of Supervisors for conditional approval of a Mills Act Contract (also to be heard at a subsequent Planning Commission hearing date); all for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. The proposal is to:

- 1) Seismically upgrade the subject 16-story office building (The Old Chronicle Building), which would include infilling a large light well at the rear of the building that is not visible from any public right-of-way;
- 2) Restore the historic building façade by removing a non-historic metal, glass and marble cladding system installed in 1962 and rehabilitating/restoring/reconstructing intact, damaged and missing historic façade features;
- 3) Construct an eight-story vertical addition that will result in a building height of approximately 312 feet, and a Floor Area Ratio (FAR) of approximately 19.68 if the residential floor space were to be counted toward the FAR calculation as currently required by the Planning Code (see item No. 5 below);
- 4) Convert the existing office building use to a mixed-use project that would have at least 40, but up to 64 residential dwelling units, at least 49, but up to 73 hotel time-share units (for a combined total of 113 hotel and residential units), approximately 6,500 square feet of ground level retail space, replacing an existing retail bank, and creating a sub grade parking structure, that given the irregular floor plate shape and placement of support columns would yield a maximum of 29 independently-accessible parking spaces and two loading spaces on the project site with the capability of providing up to 100 valet and vehicle-stacking spaces in place of the independently-accessible spaces. The new parking facility would be accessed through an existing sub grade garage facility at the adjacent 88 Kearny Street property, thereby not requiring a garage entrance at the ground level of the subject 690 Market Street property;
- 5) In order to construct the addition; infill the light well; implement the proposed change of use; grant exceptions for residential open space, publicly-accessible open space, and dwelling unit exposure under the procedures of Section 309, a new Special Use District is proposed to change the existing height district to a 285-S Height and Bulk District (the Planning Code allows for a 10% increase in height over the height limit under certain criteria, in this case up to 313.5 feet), eliminate residential uses from Floor Area Ratio calculations, and allow said exceptions under Section 309 instead of requiring variances. The Special Use District would also require a minimum of 15% on-site or 17% off-site Below Market Rate (BMR) units. The Downtown Element of the General Plan must also be amended as it specifies the height and bulk districts as currently designated within the C-3 zoning districts;
- 6) The Project Sponsor is proposing to meet the Below Market Rate (BMR) housing requirement by constructing the required BMR units off-site at 938 Market Street, a project that is seeking authorization concurrently with the subject application (2003.0587HXVLU);
- 7) The project sponsors are seeking to avail themselves of the Mills Act, which allows local governments to grant property tax relief benefits in exchange for the guaranteed preservation of a historic property. In order to qualify under the San Francisco Administrative Code, the property must either be designated as a San Francisco Landmark or listed separately on the National Register. As neither condition is the

case with the subject property, the project sponsor is seeking conditional San Francisco landmark status. The proposed Landmark Designation would become final upon the completion of the proposed project consistent with the Rehabilitation Program set forth by the proposed Mills Act contract.

Preliminary Recommendation: Adopt CEQA findings and mitigated negative declaration.
(Continued from Regular Meeting of February 19, 2004)

NOTE: On February 19, 2004, without hearing the merit of the case, the Commission passed a motion to continue this item to March 18, 2004. The proposal is now to consider continuing this item to March 11, 2004.

SPEAKER(S): None

ACTION: None. The Commission's February 19, 2004 action stands.
The item remains continued to March 18, 2004

- 10b. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a finding that a net new shadow impact on Union Square Park is not adverse for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.

Preliminary Recommendation: Adopt finding.

(Continued from Regular Meeting of February 19, 2004)

NOTE: On February 19, 2004, without hearing the merit of the case, the Commission passed a motion to continue this item to March 18, 2004. The proposal is now to consider continuing this item to March 11, 2004.

SPEAKER(S): None

ACTION: None. The Commission's February 19, 2004 action stands.
The item remains continued to March 18, 2004

- 10c. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a Determination of Compliance under Section 309 of the Planning Code to permit an eight-story vertical addition, historic façade restoration, and conversion of an existing office building to a mixed-use project for up to 64 residential dwelling units, up to 73 hotel time-share units, approximately 6,500 square feet of ground level retail space, and a sub grade parking garage (capable of accommodating up to 29 independently-accessible parking spaces and two loading spaces with the capability of accommodating up to 100 vehicles through the use of valet services and vehicle stacking), with exceptions to the Planning Code for the separation of towers requirement, residential open space requirements, publicly-accessible open space requirements, dwelling unit exposure requirements, ground-level wind currents, independently-accessible parking, sunlight access to sidewalks, and an upper tower extension, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.

Preliminary Recommendation: Approval of Determination of Compliance with Exceptions Motion with Conditions.

(Continued from Regular Meeting of February 19, 2004)

NOTE: On February 19, 2004, without hearing the merit of the case, the Commission passed a motion to continue this item to March 18, 2004. The proposal is now to consider continuing this item to March 11, 2004.

SPEAKER(S): None

ACTION: None. The Commission's February 19, 2004 action stands.
The item remains continued to March 18, 2004

- 10d. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a Conditional Use application to allow a hotel in the C-3-O (Downtown, Office) Zoning District, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
Preliminary Recommendation: Approval of Conditional Use Motion with Conditions.
(Continued from Regular Meeting of February 19, 2004)
NOTE: On February 19, 2004, without hearing the merit of the case, the Commission passed a motion to continue this item to March 18, 2004. The proposal is now to consider continuing this item to March 11, 2004.

SPEAKER(S): None

ACTION: None. The Commission's February 19, 2004 action stands.
The item remains continued to March 18, 2004

- 10e. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the Board of Supervisors a General Plan amendment to change the height and bulk district of the existing site, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
Preliminary Recommendation: Adoption of Draft Resolution
(Continued from Regular Meeting of February 19, 2004)
NOTE: On February 19, 2004, without hearing the merit of the case, the Commission passed a motion to continue this item to March 18, 2004. The proposal is now to consider continuing this item to March 11, 2004.

SPEAKER(S): None

ACTION: None. The Commission's February 19, 2004 action stands.
The item remains continued to March 18, 2004

- 10f. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the Board of Supervisors the approval of the creation of the Downtown Housing Demonstration Special Use District encompassing and comprised of the subject property, requiring a Planning Code Text Amendment and Zoning Map Amendment, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
Preliminary Recommendation: Adoption of Draft Resolution
(Continued from Regular Meeting of February 19, 2004)
NOTE: On February 19, 2004, without hearing the merit of the case, the Commission passed a motion to continue this item to March 18, 2004. The proposal is now to consider continuing this item to March 11, 2004.

SPEAKER(S): None

ACTION: None. The Commission's February 19, 2004 action stands.
The item remains continued to March 18, 2004.

B. COMMISSIONERS' QUESTIONS AND MATTERS**11. Commission Comments/Questions****Commissioner Feldstein:**

Re: 690 Market Street

- When the Commission started seeing large and more complex project, they requested that case reports be received two weeks in advance.
- There are two issues: 1) volume of reading; 2) adequate time for the Commissioners to be informed and ask adequate questions.
- If staff knows that a project is complex, they should provide Commissioners with case reports two weeks in advance.
- Staff should err on sending information in advance.

Commissioner Bradford Bell:

Re: 942 Market Street

- This is the companion case to 690 Market Street.
- She would like to receive this information on the week of the 4th of March.

Commissioner Antonini:

Re: 690 Market Street

- If one of the Commissioners did not receive the information two weeks in advance it would be good to inform staff so that something can be done and not have to continue a case.

C. DIRECTOR'S REPORT**12. Director's Announcements**

Re: *Budget*

- The budget was forwarded to the Mayor's office after the Commission hearing last week.
- There are changes and there will continue to be changes.
 - He will keep the Commission informed on this.

**13. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –****Land Use Committee**

- On Monday, February 23, 2004, there was a presentation on public benefits that was presented by Supervisor McGoldrick regarding an ordinance that staff has received formally which calls for one community based planning for all neighborhoods.
- Any time there is an increase in zoning allowance that staff include a public benefits program to recapture for the City, and for the public, some of that increased potential.
- Dr. Ghosh made a presentation on what staff is proposing in terms of public benefits and the study that is being done.

Board of Supervisors

- On Tuesday, February 24, 2004, the Department and the Commission had the second reading of the ordinance that would prohibit the demolition of 20 units or more. This passed the week before with a vote of +8-3. During that week Supervisor Dufty worked with him to try and craft some conditions of approval and some notices of special restrictions.
- The vote ultimately was +7-4 to approve the ordinance. This will go on to the Mayor to decide whether he wants to approve it or not.
- Supervisor Dufty mentioned that he intended to introduce an ordinance that by Conditional Use, there would have to be replacement housing built on site prior to the demolition of 20 units or more.

Re: Board of Supervisors meeting

- The Board of Supervisors will not meet next week. Although there is no holiday next month, they don't meet at least once every month whether there is a holiday or not.

BOA –

- Julian Banales represented the Acting Zoning Administrator at the Board of Appeals hearing.

- There was no quorum so the entire calendar was continued.

14.

(T. KELLEY)

ARTICLE 10 COMMITTEE PRESENTATION – Informational presentation on the Landmarks Preservation Advisory Board, its Code mandated interactions with the Planning Commission on issues of Landmarks, CEQA, and historical resources as well as recommended modifications to Article 10.

SPEAKER(S):

Tim Kelley – President of the Landmarks Advisory Board

- There is an existing relationship and interrelationship between the Landmarks Board, the Planning Commission and the Planning Department.

- This article was enacted in 1967 and it established historic preservation for the first time as City policy and assigned responsibilities to the Planning Commission and Planning Department. At the same time it created the Landmarks Advisory Board. This is a body with particular expertise in the history of the city and it's buildings. It assigned responsibility to the Landmarks Board to advise the Commission and the Department in these matters.

- Specifically the Landmarks Advisory Board provides advice to the Planning Commission and then the Commission to advise the Board of Supervisors on the creation of landmarks, historic districts and structures of merits and these are issued an individual ordinance with the Mayor's signature.

- This article also provides a setup so that the Advisory Board advises the Commission and the Department on exactions after review by the Commission on Certificates of Appropriateness which are required for any permit that would alter the appearance of any of these designated properties that would essentially affect its historic character.

- The article also provides information on the adoption of surveys. They have supervised the conduct of various surveys of the City. These surveys are ongoing and provide CEQA implications.

- Article 11 of the Planning Code deals with conservation districts in the downtown area.

- Here the relationship again is that the Advisory Board advises the Commission and the Commission advises the Board of Supervisors on the addition of any conservation districts and the change of designation for any particular building.

- It also includes the review of certain buildings as well as demolition.

- There are other miscellaneous functions as well.

- This article predates the enactment of CEQA and has not kept the pace with the philosophy of historic preservation.

- He recommends that Advisory Board make its advise on these matters directly to the Board of Supervisors.

- On Certificates of Appropriateness, they would like to make their recommendations to the Director of Planning and then directly to the Board of Supervisors.

- The Landmarks Advisory Board should be involved in a public oversight process for threshold determinations.

- He recommended that there be a public review process or appeal.

Charles Chase – Executive Director of San Francisco Architectural Heritage

- It is important to look at how historical resources are being treated--those that are defined and those that are yet to be defined.

- There are some resources that have not been reported.

- This has to do with clarity and purpose and the infusion of policies that have taken place.

D. REGULAR CALENDAR

15. 2003.1314C (M. LI: (415) 558-6396)
900-916 GRANT AVENUE - northeast corner at Washington Street, Lot 012 in Assessor's Block 0194 - Request for conditional use authorization to establish a small self-service restaurant (an ice cream parlor) of approximately 1000 square feet within the Chinatown Visitor Retail District and a 50-N Height and Bulk District. There will be no physical expansion of the existing building. The name of the business is not known at this time.

Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of February 19, 2004)

SPEAKER(S): None
 ACTION: Approved
 AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 NAYES: Feldstein
 MOTION: 16734

16. 2003.0263D (D. DiBARTOLO: (415) 558-6291)
3148-3150 GEARY BOULEVARD northeast corner of Geary Blvd. and Spruce Street: Lot 028 in Assessor's Block 1066 - Request for Discretionary Review of Building Permit Application No. 2002.07.17.1660, proposing to construct a four-story mixed-use structure with retail space and seven off-street residential parking spaces at the ground level and seven residential units occupying the upper floor levels in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. A permit application has also been filed to allow the demolition of the vacant one-story commercial building, which currently occupies the site.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(-) Robert Link – Member of the Board of Realtors

- He is representing the DR requestor.
- They do support the project because it will support the neighborhood.
- The issue here was the access to their parking spaces.
- The combined parking lots accommodate about 6 cars.
- The main issue is that there is no accommodation for the loss of access to those parking spaces during construction.
- They are asking for accommodation to the parking spaces during construction.

(+) David Cincotta – Representing Project Sponsor

- There has been an agreement since the 70s that the properties be linked.
- He does not believe that this matter should come before the Commission.
- There have not been any Planning Code issues being raised.

ACTION: Did not take Discretionary Review and approve the project with the understanding that staff will continue to work with the project sponsor on the architectural design of the project.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 17a. 2003.1214D (S. VELLVE: (415) 558-6263)
120 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 039 in Assessor's Block 5894 - Mandatory Discretionary Review, pursuant to the Planning

Commission's policy requiring review of housing demolition, of Demolition Permit Application 2002.11.22.2105, proposing to demolish a single-family dwelling in a RH-1 (House, One-Family) Zoning District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

SPEAKER(S):

Re: Continuance

Rev. Arnold Townsend

- The project Sponsor and the various people involved in the case are here ready to talk about the case.
- However, they are willing to move the case to April 8, 2004.

Camela Curry

- She is the Discretionary Review requestor.
- She is in support to the continuance.

ACTION: Without hearing, item continued to April 8, 2004

AYES: Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Antonini

- 17b. 2003.1215D (S. VELLVE: (415) 558-6263)
120 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 039 in Assessor's Block 5894 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application 2002.11.22.2107, proposing to construct a two-story over ground/garage, single-family dwelling in a RH-1 (House, One-Family) Zoning District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

SPEAKER(S): Same as those listed for item 17a.

ACTION: Without hearing, item continued to April 8, 2004

AYES: Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Antonini

- 17c. 2003.1216D (S. VELLVE: (415) 558-6263)
122 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 040 in Assessor's Block 5894 - Staff initiated and public Request for Discretionary Review of Building Permit Application 2002.11.22.2101, to construct a new two-story over ground/garage, single-family dwelling located in an RH-1 (House, One-Family) District, and a 40-X Height/Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

SPEAKER(S): Same as those listed for item 17a.

ACTION: Without hearing, item continued to April 8, 2004

AYES: Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Antonini

18. 2003.1263D (E. TOPE: (415) 558-6316)
80 RIVERTON DRIVE - east side near Ocean Avenue; Lot 029 in Block 7252 - Request for Discretionary Review of Building Permit Application No. 2003.08.05.1299S, proposing to construct a horizontal and vertical addition to an existing single family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-x Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(-) **Chris Manitsas – Architectural Review**

- The Board of Directors' decision for this Discretionary Review is based on the Residential Design guidelines.
- They are concerned that the project will not keep the character of the neighborhood.
- There are no additions similar to the one proposed for this project.

(+) **Dan Speirs**

- He and his wife have been living at this house since 1996.
- This project should be approved because the drawings meet the requirements of the Residential Design Guidelines.
- Not one neighbor in the area has expressed opposition.
- There are four people living in the house--in a two-bedroom home. He and his wife plan to have more children.
- This is their first home and they love their neighborhood.
- He and his wife feel that Mr. Manitsas does not have jurisdiction over his project.

(+) **Luis Robles – Project Architect**

- The proposal today is based on comfortable living for his clients.
- By doing this addition, they are creating an affordable house for his clients.
- He is keeping the same materials and the same design as the houses in the neighborhood.
- He urged the Commission to approve the project.

ACTION: Took Discretionary Review and approved the project with a modification by increasing the front setback to 12 feet instead of 10 feet.

AYES: Bradford Bell, Feldstein, Hughes, S. Lee

NAYES: Antonini, Boyd, W. Lee

19. 2003.1330D (F. JONES: (415) 558-6477)
1695 25TH AVENUE - west side, between Moraga and Lawton Avenues, Lot 021 in Block 1918 - Discretionary Review request, for a building permit (No. 2003.10.16.7721) to allow the construction of a third-story, vertical addition to an existing two-story, two-family dwelling. The property is located in the RH-1 (Residential, House, Single-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as revised.

SPEAKER(S):

(-) **Lina Radavero**

- She has been living in this house since 1960.
- The area was very quiet.
- The addition proposed for this project will impact her life negatively by blocking her sunlight and decreasing the value of her house.
- There are various neighbors who are opposed to this project.
- The parking in the area is terrible already.

(-) **Josef Brunner**

- He has been living in the Sunset for 50 years.
- The Sunset district is over populated already and this project will allow more people to live there.
- His friend has to park in front of his [Josef's] driveway because there are no parking spaces available.
- The only light that the DR requestor has is not that much. So allowing this addition will completely block her sunlight.
- He displayed photographs of the DR requestor's home.

(-) **Nick Rubinsoff**

- In a community such as the Sunset where the houses touch each other, any changes to a house can affect severely the adjacent house.
- Many people would not consider buying a house next to a three-story structure.
- People who buy a house in the Sunset should purchase it with the understanding that the house they are buying should suit their needs.

(-) Amy Li

- She lives close to the proposed house.
- The houses in the neighborhood are old, two-story single-family houses.
- She loves her neighborhood so she wants the houses to keep the same look.

(+) Hogum Menendez – Project Architect

- The guidelines that the Planning Department uses acknowledges the fact that corner lots are treated different than mid block lots, and that they can and should support strong architectural features in neighborhoods such as this one.
- Regarding the illegality of the unit, it actually is legal and they have submitted documentation.
- The room in the back existed before the required date for any kind of permit. The room is not involved in any permit process.
- There is minimal sunlight impact.
- This proposal has windows that face directly to the rear, they are not oriented towards any of the neighbors.

ACTION: Took Discretionary Review and approved the project with the following modifications: 1) remove the deck and; 2) remove the decorative railing.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

20. 2003.1281DD (B. FU: (415) 558-6613)
1380 HAMPSHIRE STREET - west side, between 25th and 26th Streets; Lot 011 in Assessor's Block 4275 - Request for Discretionary Review and Planning Department Staff-Initiated Discretionary Review, of Building Permit Application No. 2003.07.07.8907 to construct a new one-story vertical addition and a rear horizontal addition to the existing two-story building in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

SPEAKER(S):

Re: Continuance

Jose Obrego

- He would like a continuance mostly because he is not too familiar with the processes, technicalities, etc.
- This project was formally presented the first week of November of last year.
- The project does not take into affect the impact that he will be receiving with this project.
- He does not want to be put into the position to make decisions on such a high impact project.

Mathew Klyne

- It appears that the concern of the DR requestor is how this project will affect the foundation of the DR requestor's home.

Re: Merits of Project

(-) Jose Obrego

- There were many questions that the DR requestor had regarding the affects of the project on her home and the financial impact.
- The DR requestor is a 75-year-old retiree.
- They support the findings and agree that this project will conserve and protect the neighborhood character.

- The Project Sponsor intends to create condominiums and this will affect the neighborhood.

- He displayed photographs of the driveway and all the issues related to it.

- He is concerned that the height of the project will completely block out light.

(-) Michael Hall

- He is the attorney for the Discretionary Review requestor.

- He was just hired last week and that is the reason to consider continuance.

- He feels that there has only been the Planner's recommendation for a few days.

- More time is needed to analyze the Planner's recommendation, the impact of shadow, the height, and other items that will negatively affect the Discretionary Review requestor's home.

- If the project is approved, it will only leave 18 feet of back yard area for a car port.

- The project is too large and too high. It will diminish the benefit that the Discretionary Review requestor has since she has been living there for 40 years.

(-) Leo Mondragon

- He lives in the neighborhood.

- The project is very, very high and will take the light to his house and the DR requestor's home.

- Parking is very hard to find in the area and with this project it will be made worse.

(-) Andrew McAllister

- He has rented from the DR requestor for about eight years.

- Regarding the separation of the two buildings, he feels that this is the worst case of "carpet bagging" he has ever seen.

- The project sponsor is trying to separate the buildings and asking the DR requestor to pay.

- The wall where the separation of the buildings will be is in his son's room.

- The DR requestor is quite happy the way everything is.

- The Project Sponsor does not even live in the neighborhood.

- Two cars for three condos? This is not going to be the case. There will be at least six cars.

(-) Erika Lopez

- She lives across the street from the proposed project.

- She knows that the owner of the building where she lives has submitted a letter against the project.

- This is a great neighborhood.

(+) Mathew Klein – Project Sponsor

- He displayed photographs of the street facade proving that it is actually a three story neighborhood, contrary to what the Planner has said.

- He spoke about the architectural aspects of the project.

- The Planner has requested to have a setback yet this would be inconsistent with the Residential Design guidelines.

ACTION: Took Discretionary Review and approved the project with the following modifications: 1) reduce height by 5 feet per the Planning Department's recommendation so that the overall height of the building shall not exceed 35 feet; 2) project sponsor shall provide a matching light well to the adjacent property for the 3rd floor addition, 3) that it be demonstrated to staff that the parking will be accessible; 4) work be conducted within the project sponsor's property line; 5) all load bearing costs as a result of this addition be born by the project sponsor.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With

respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Mathew Klein

Re: Light wells

- Light wells are requested to be matched for neighbors in general.
- There is no information in the Residential Design Guidelines regarding maximum or minimum square footage required to match, or as to what would happen if both adjacent neighbors had light wells.
- At which point is one required to match each of those circumstances?
- The Commission will continue to hear cases like this.
- The Bernal Heights special restrictions in place and they are very specific about what one can do to ones building.
- He hopes that the Residential Design Guidelines can be looked at with the same critical eye to questions such as matching light wells.

Adjournment: 5:07 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, March 18, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 4, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

APR 14 2004

SAN FRANCISCO
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COMMISSIONERS PRESENT: Michael J. Antonini, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: Shelley Bradford Bell

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT SUE LEE AT 1:40 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Nora Priego – Transcription Secretary; Jonas Ionin – Acting Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2001.1039E!KBMZX (M. LUELLEN: (415) 558-6478)
55 NINTH STREET - East side between Mission and Market Streets, Lot 063 in Assessor's Block 3701 - Requests for: (1) Recommendation to reclassify the site from a 120-X Height and Bulk District to a 200-S Height and Bulk District; (2) Recommendation to amend the Downtown Area Plan of the General Plan to reclassify the site from a 120-X Height and Bulk District to a 200-S Height and Bulk District; (3) Determination of Compliance and Exceptions under Planning Code Section 309 (Downtown Project); (4) Authorization under Planning Code Sections 320 through 325 for a 12-story, approximately 198 foot tall building with up to approximately 268,000 square feet of office space; and (5) Finding no adverse shadow impact. The Project also includes approximately 25,392 square feet of open space, two loading docks, and approximately 126 off-street parking spaces.
Preliminary Recommendation: Adopt findings and draft resolutions, and approve with conditions.
(Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to March 25, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 25, 2004.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

2. 2003.1091C (D. DiBARTOLO: (415) 558-6291)
2696 GEARY BOULEVARD - northeast corner of Geary Boulevard and Emerson Street; Lot 004 in Assessor's Block 1071 - Request for conditional use authorization pursuant to Section 712.83 of the Planning Code to install and operate a wireless telecommunication facility for Nextel Communications within an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and an 80-D Height and Bulk District, upon the roof of an approximately 84-foot tall self-storage building (Public Storage Inc.). As per the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 2, as it is a co-location site.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of February 5, 2004)
(Proposed for Continuance to April 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 1, 2004.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

- 3a. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for a General Plan Referral to determine if the construction of a wireless telecommunications facility for Circular Wireless on the 5th & Mission Garage is consistent with the objectives and policies of the General Plan.
Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan.
(Continued from Regular Meeting of February 19, 2004)
(Proposed for Continuance to April 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 1, 2004.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

- 3b. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for conditional use authorization to install a wireless telecommunications facility for Circular Wireless consisting of one antenna and two equipment cabinets on the 5th & Mission Garage. The antenna will be façade-mounted against an existing elevator penthouse on the roof of the garage and the equipment cabinets will be located adjacent to the same penthouse. The project site is within a P (Public Use) District and a 90-X/340-I Height and Bulk District. The proposed facility meets Location Preference 1 of the WTS Facilities Siting Guidelines.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of February 19, 2004)
(Proposed for Continuance to April 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 1, 2004.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

4. 2003.1254D (E. TOPE: (415) 558-6316)
170 ST. GERMAIN AVENUE - north side at Glenbrook Avenue; Lot 009 in Block 2708 - Request for Discretionary Review of Building Permit Application No. 2003.07.31.0905, proposing to construct a horizontal and vertical addition to an existing single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-x Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
(Continued from Regular Meeting of February 12, 2004)
(Proposed for Continuance to April 8, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 8, 2004.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

5. 2003.1220I (K. RICH (415) 558-6345)
CITY COLLEGE OF SAN FRANCISCO - Submission of 10 year Institutional Master Plan by City College of San Francisco and subsequent public hearing as per Planning Code Section 304.5 (d). The purpose of this hearing is for the receipt of public testimony only, and shall in no way constitute an approval or disapproval of the institutional master plan by the Planning Commission.
Preliminary Recommendation: No Action Required. Receipt of Public Testimony Only.
(Proposed for Continuance to May 6, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 6, 2004.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

6. 2003.1177C (E. TOPE: (415) 558-6316)
2301 FILLMORE STREET - northwest corner at Clay Street, Lot 004 in Assessor's Block 0611 - Request for Conditional Use Authorization pursuant to Planning Code Sections 718.48 and 790.38, to allow amplified music and to extend the hours during which entertainment is allowed in a nonconforming bar and full-service restaurant (to be occupied by Leticia's Restaurant) in the Upper Fillmore Street Neighborhood Commercial District and a 40-X Height and Bulk District. Planning Commission Motion No. 13781, adopted on November 17, 1994, limited entertainment at this location to non-amplified music and restricted the hours during which entertainment is allowed.
Preliminary Recommendation: Pending
(Proposed for Continuance to June 10, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 10, 2004.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell

7. 2003.0657C (G. CABREROS: (415) 558-6169)
1730 VAN NESS AVENUE - east side between Clay and Sacramento Streets, Lot 019 in Assessor's Block 0622 - Request for Conditional Use Authorization under Planning Code Sections 209.3 and 253 to allow the expansion of an institutional use (American Buddhist

Cultural Society) and a building exceeding 40-feet in height in an RC-4 (Residential Commercial Combined, High Density) District, the Van Ness Special Use District and an 80-D Height and Bulk District.

Preliminary Recommendation: Pending

(Continued from Regular Meeting of January 15, 2004)

(Proposed for Indefinite Continuance)

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

8. 2003.1299Z (P. LORD: (415) 558-6311)
REZONING OF ASSESSOR'S BLOCK 2870 LOT 48 FROM P TO RM-1 - Consideration of an Ordinance amending Sheet 6 and 6H of the Zoning Map of the City and County of San Francisco for Lot 48 in Assessor's Block 2870 (general location is the Southeast corner of Portola and Clipper Streets) to change the use district of the property from P (Public) to RM-1 (Residential, Mixed Districts, Low Density) and to change the height and bulk limits of the property from OS (Open Space) to 40-X.

Preliminary Recommendation: Pending

(Proposed for Indefinite Continuance)

SPEAKER(S):

Re: Continuance

Marcy DeLussia

- She encouraged the action of continuance since if this item were to be approved there will be a lot of people opposed to it.

ACTION: Without hearing, item continued indefinitely.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Commission Comments/Questions

Commissioner William Lee:

Re: Customer Satisfaction Survey

- In the packet today from the Board of Permit Appeals, they are including a customer satisfaction survey regarding their own Board.

- Taking a look at it, he would like to have something similar for the packets for the Planning Commission to get some sort of indication of how the public perceives them in the areas of public hearing procedures, notification of parties for hearings, staff response and timeliness of responses.

Re: Joint Hearing

- He requested a joint hearing with SPUR and AIA in order to have a public dialogue regarding the City Planning Department.

Re: Report from Committee on Jobs

- He submitted a report to staff called San Francisco City and County Budget – Myths, Realities and Suggestions for the Future.

Commissioner Feldstein:

Re: Appreciation of Planning Staff

- She asked the public to recognize that staff is working very hard under very difficult conditions.

- If the Commission is not getting calls back on the same day, she can imagine that the public is not getting them either so she asked for patience.

Re: Budget

- The budget and work plan that the Commission just approved really does not include staffing increases.
- It is imperative that the Commission be mindful of the requests they make, but also to encourage Senior management to think about ways that the Commission can utilize staff more effectively.

Commissioner Boyd:

Re: Inclusionary Housing

- He asked staff to provide a glossary of projects that have been done that have a relationship with inclusionary housing. This should also include the number of units, if the developers have indicated whether the inclusionary requirement will be offsite or onsite.
- This will be beneficial to the Commission as they zero in to the Housing Element of the General Plan.

Re: Recalling the Plans and Controls for the Mission and the NEMIZ

- He thanked President Bradford Bell for requesting that the Commission consider recalling their vote on this issue.

Commissioner Sue Lee:

Re: Appreciation of Staff

- She believes that staff is working very hard and wants them to know that the Commission really appreciates it.

Re: Article in the San Francisco Chronicle regarding a Planning Department Staff Member

- This article concerns her. She questions whether the City has a policy about outside employment of city employees. Did this department give permission for this employee to have this part time job, assuming that he is employed?
- All this affects the integrity of the Department. People cannot be doing what they want.
- She is concerned with the moral of the department.

Commissioner William Lee:

Re: Staffing

- Under the City Charter and Civil Service rules an employee cannot have two jobs. If the employee has some classification to moonlight, there is a need for the Director and the Civil Service Commission's approval to avoid conflicts of interest.
- Mayor Newsome is looking into something called "City Stat." He is looking at the work load analysis and numbers for Baltimore, Boston, Indianapolis and Chicago.
- The questions is: "How busy are our workers?", he believes that absenteeism is an issue.
- He is interested in knowing how many projects the department is doing compared to a base year.
- It is important to know the statistics regarding what staff is doing now before more money is requested for staff. Staff should also contribute to this information.

Commissioner Antonini:

Re: Relating Income Levels to Housing Prices in Terms of Housing for Purchase

- This has been the subject of discussion and may come up again.
- He thinks that it is easier when one has the rental thing because one can do the math at the 30 percent of disposable income that is being used towards housing prices. It is more difficult when one is trying to relate what an individual is making, or a family, relative to the cost of the housing and how that relates to the inclusionary housing and the Leno

legislation. What must one be making to be able to afford a \$200,000 condominium?
How many family members will have to be working, etc?

- This can be spelled out in a brief page or so. This would be very helpful to the Commission and to the public.

C. DIRECTOR'S REPORT

10. Director's Announcements

Re: Discretionary Reviews

- They have been working with a few items on DRs. One is making this process more efficient and how these cases are brought before the Commission. Staff had been proposing to do some Administrative DRs. However the Planning Commission has requested that DRs be separated between simple DRs and complex DRs.

- It would be very useful, if some of the Commissioners are interested, for he and staff to work closely with some Planning Commission members—forming some sort of committee—to have meetings and discuss some criteria.

Re: Effectiveness

- He is glad that the Commission recognizes that staff is overwhelmed. He is having a series of meetings with the different individual divisions to talk about work load issues and how he can respond to them.

- One thing that can be helpful from the Commission is to analyze the Commission packets that come to them. It is important to know if the Commission needs everything that is provide to them, what parts are not useful, etc.

- How can staff be more effective with their time.

- Ms. May Fung is leading this in the Neighborhood division. She has interviewed everyone in the neighborhood division and has a stack of things to review.

- Many of the quadrants are not being effective because of a lack of staff.

Re: Article in the Chronicle stated by Commissioner Lee

- To the extent that he can, this is a personnel issue and there are some confidentiality issues.

- He can say that he was extremely upset to read it, he has received a number of phone calls about this, he is taking this very seriously and is pursuing it.

- In terms of city policy, one can do some outside employment, but there should be an approval from the Director and either the Civil Service Commission or Department of Human Resources. Every six months that approval should be updated.

- There has been outside employment approved previously for teaching.

- This is as much as he can say now but he is looking at this very seriously.

Re: Director Green

- He will be in town next week and will be in attendance at the Planning Commission.

11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals **BOS – None**

BOA –

Re: 572 San Jose Avenue

- This was an appeal of a denial that the Commission heard. The Commission took Discretionary Review and denied approval of the permit.

- The Board made a motion to overturn the Commission's decision but this failed to pass on a +3-2 vote.

- The parties were heard over a month ago to try to reach an agreement but were not able to do so.

Re: 293 Downey Street

- This case was heard by the Commission under two separate Discretionary Reviews.

- The Commission did not take Discretionary Review and approve a very large, elegantly designed rear addition to the structure.
- The Board upheld the Commission's decision and allowed the project to proceed.

D. REGULAR CALENDAR

12. 2001.1039E (A. AGUILAR: (415) 558-5973)
55 NINTH STREET - Certification of a Final Environmental Impact Report: The State Compensation Insurance Fund (SCIF) proposes to expand their San Francisco office at 1275 Market Street by constructing an adjacent 12-story, approximately 268,000 gross-square-foot (gsf) office building at 55 Ninth Street. The project site (Assessor's Block 3701, Lot 63) is occupied by a surface parking lot with about 173 parking spaces and located mid-block on the northeastern side of Ninth Street in the block bounded by Market, Ninth, Mission, and Eighth Streets in the Mid-Market neighborhood. The new building would be approximately 198 feet high, including mechanical penthouse, and would have a two-level below-grade parking garage with about 126 parking spaces. The entrance to the new building and access to off-street parking and loading would be from Ninth Street. Trucks would enter and exit on Ninth Street and could exit to Laskie Street onto Mission Street. The project site is zoned C-3-G (Downtown General Commercial) and is within a 120-X Height and Bulk District.
 Preliminary Recommendation: Certify the Final Environmental Impact Report. Please note that the public review period for the Draft Environmental Impact Report ended at 5:00 pm, January 27, 2004.
 (Continued from Regular Meeting of February 26, 2004)

SPEAKER(S): None
 ACTION: Environmental Impact Report Certified.
 AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
 ABSENT: Bradford Bell
 MOTION: 16735

13. (M. FUNG: (415) 558-6364)
DISCRETIONARY REVIEW COST RECOVERY PROGRAM - On September 25, 2003, the Planning Commission directed the Department to implement cost recovery for all Discretionary Review (DR) requests, as provided in Sections 352(b) and 350(c) of the Planning Code. Discretionary Review applicants will be responsible for any time and materials costs incurred in excess of the initial fee paid for any DR projects filed. The Planning Commission will establish the start date for the Planning Department's DR Cost Recovery Program; and review details of program implementation.
 Preliminary Recommendation: Establish start date sometime after April 8, 2004 to allow one month for program start up.

SPEAKER(S):
Re: Continuance
Mary Ann Miller – West Portal
 - There is a need to have more discussions on this issue and negotiate something a little bit better.
Dan Liberthson – Miraloma Improvement Club
 - If this item is continued he would like to give his testimony today.

Re: Merits of the Project
Mary Ann Miller
 - This policy is a very good club to hold over the architect and the developer.
 - There are many other ways to deal with DRs, perhaps the Commission could be more involved in DRs.

- The public has been the unpaid staff of the department. There are many people who work very hard to deal with all the issues and now they are going to be charged \$2,500 dollars?
- Cost recovery cannot be done on DRs.
- It is important to concentrate on the public relations.

John Bardis

- Cost recovery is something that occurs when something has happened to cause the City to have expenses to be paid so the person who has caused these actions, this person should pay.
- The initiator of the Discretionary Review has not initiated the cost.
- It is important to find out who is the initiator of the costs.
- The Commission should actually applaud people who bring projects to DR hearings because they are doing the legwork of maintaining the City.
- This is insane. The Commission should not increase the fees. Fees should be abolished.

Penelope Clark

- This is the second time that she has come down to a hearing and the item has been continued.
- It is difficult to come down and then have to leave without having heard the item.

Judy Berkowitz

- She would like to have this item heard on a date after April 8, 2004.

Marilyn Amini

- The notice for this item has not been sufficient.
- There was lack of availability of this proposal in a timely manner so that people could have enough time to submit comments to the Commission.
- The agenda notice today asks of the direction from the Commission to the department but on the September 25th calendar, there is no indication of a recovery of fees.
- For a whole year there were 228 DRs filed and the Commission only heard 92.
- There are many other ways to cut down on DRs.

Vivian Lee

- The fees should be charged to the project applicants since they cause all the problems.

ACTION: Hearing held, item continued to April 22, 2004 (and to be placed first on the calendar). Public comment remains open.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

14. 2004.0005L (W. HASTIE: (415) 558-6381)
2550 MISSION STREET (aka THE NEW MISSION THEATER) - west side, between 21st Street and 22nd Street. Assessor's Block 3616, Lot 7. Constructed in 1916, and then altered in 1932, this building was constructed as a movie palace and served that purpose until 1993; it was then used as a furniture retail store, but is currently vacant. The subject property is zoned NC-3 (Moderate-Scale Neighborhood Commercial) and is in a 50-X/65-B Height and Bulk District. Request for the Planning Commission's recommendation to the Board of Supervisors on the proposed landmark designation, which was initiated by the Board of Supervisors on December 9, 2003, as Landmark No. 245.
 Preliminary Recommendation: Adopt resolution supporting landmark designation.

SPEAKER(S):

Re: Continuance

Gus Murad

- He revoked his request for continuance.
- He is in support of hearing the item today.

Re: Merits of the project

Sup. Amiano

- He is here in support of designating this building a Landmark.
- He works with District 9 and knows that this project is very important to the Mission District.
- The goal is to have Mission College to serve its residents.
- The housekeeping items that still need to be done is the designation of a landmark.
- The interior and exterior architectural features should be preserved.
- He will be initiating an ordinance that will contain language providing specifically that all features of the New Mission Theatre called out in the Landmark Designation Report, recommended by the Landmarks Advisory Board, be preserved and must be subject to provisions of Article 10 including those provisions regarding certificate of appropriateness regardless of the building's ownership status.
- The buyer has stated on at least one occasion that it is his intention to preserve the New Mission and to ensure public access to the space.
- But since there are no plans submitted yet to the Planning Department, he just wants to be sure that the interior and exterior features are preserved.

Ned Segal – San Francisco Neighborhood Theatre Foundation

- This foundation has about 600 members.
- He urged the Commission to declare this building a landmark.
- There is no proof that the new owner will preserve the historical details of the building.
- With landmark status, this would protect the building and have it restored.

Phillip Lesser – Mission Merchants Association

- He is neutral on this matter.
- The footprint does not make sense if they want to move into the future.
- The merchants are unified that parking is the number one retardant to their businesses.

U. B. Morgan

- They have been working with neighbors to preserve this structure.
- They have been watching City College and working with them to preserve the structure.
- They will always work with the owner of the property to make sure that it is a win win situation for everyone.
- This is too much of a treasure to loose and urged the Commission to declare landmark status.

Nancy Charraga

- She owns a business on 24th and Mission.
- She urged the Commission to declare the building as a landmark.
- She feels very strongly about this.
- The New Mission Theatre is already registered for preservation.
- She asked the Commission to not delay the decision any further since there is the recommendation by the Landmarks Advisory Board.

Gus Murad

- He is the potential buyer of the building.
- He is asking for a little flexibility. The building needs seismic strengthening because it is such an old building.
- He will be working with staff and the preservation board to walk through the changes.

Rachel Herber – Dolores Park Café

- She urged the Commission to make this property a landmark.
- This is a very important structure and it should be preserved.
- If it is done properly and preserved properly it would enhance the Mission corridor.
- The potential for this is tremendous.

Alan Martinez – Friends of 1800.

- This would be a magnificent auditorium.
- This is too much of an important community resource to loose.

Catherine Petrin – Architectural Historian

- She has been an active pro-bono architect to preserve the New Mission Theatre.

- There has been erroneous information stating that the theatre had had so many changes that it was difficult to determine its architectural and historical integrity.
- This theatre is on par with the Castro Theatre.
- The theatre contains original seats and carpeting.

Will Shank

- He is one of the founders of the Safe New Mission Theatre.
- He has been working on this for about four years.
- This matter has been brought before many groups.
- He hopes that the Commission will acknowledge this nomination. It has been acknowledged on a city and state level.

Jim Salinas

- When this issue came before City Hall there was a whole lot of controversy.
- They say that you can take the boy out of the Mission but you cannot take the Mission out of the boy.
- He hopes that this Commission would take into consideration the beauty of this building.

ACTION: Designated as a Landmark: (page 2 item 8 should include: publicly or privately owned property.)

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

MOTION: 16736

15. 2003.0607C (T. TAM: (415) 558-6325)
306 RANDOLPH STREET, north side of Randolph Street, between Ramsell and Victoria Streets, Lots 51 and 56 in Assessor's Block 7088 - Request for Conditional Use authorization pursuant to Planning Code Sections 209.3(c), 710.11, and 710.21 to establish an institutional use (residential care facility for up to 56 persons) in an existing two-story commercial building currently owned and occupied by the Yeo Lai Sah Buddhist Temple. The project will also include a lot line adjustment between Lots 51 and 56. The property is located in NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):**(+) Patrick Mahone**

- The proposed use is quite desirable and compatible with the neighborhood.
- There is a huge shortage for residential care facilities.
- Currently the downstairs of the building is vacant.
- It is his hope that with capital improvements and complete occupancy of the space, this would provide a great service to the neighborhood.
- This project will not add any additional square footage to the building.
- They have been quite supportive of the requirements from the Department.
- He urges the swift approval of the proposal.

(+) Lisa Wong – Project Architect

- In the past she knows that the Commission liked having the architect of a project present during the hearing.
- This is a very commendable project.
- This project is commendable because it is a very noble thing that is being done.
- She is also available for questions.

(+) Rev. Harold Pierre

- He is the pastor of a community church located across the street.
- He is in support of the proposal because it is not generally a rough neighborhood. The grocery store/liquor store has caused the rough environment. He is glad that this store is gone.

- This is going to be a diverse housing community.

(-) Dan Weaver – OMI Neighbors in Action

- He supports the idea of senior housing.

- He does not support this particular project: 1) this project is not necessary or desirable because it will eliminate one full block of retail uses; 2) the 300 block of Randolph Street is the 100% block for the revitalization of this neighborhood; 3) this project will cause a housing building to be built there. This is not appropriate.

- The appropriate thing to do is to design a structure with retail uses on the ground floor.

- He asked the project sponsor to postpone this item but they refused.

(+) Rebecca Silverberg

- This project is excellent. It is bringing a lot of people to it.

- This is a lovely neighborhood where seniors are going to need services.

- She urged the Commission to approve this Conditional Use.

(+) Al Harris

- He echoed what everyone has said before.

(+/-) Peter Vaernet

- He realizes that this area is a very tough neighborhood.

- He truly recommends this proposal.

- He is not in support of the design.

- The way to make a neighborhood better is to make a brand new building.

- He would like to have further conversation on this. It is a very important project.

ACTION:

Hearing Held. Public Comment Closed. Item continued to May 6, 2004 to allow the Project Sponsor to work out other alternatives with the neighbors.

AYES:

Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT:

Bradford Bell

16. 1999.0233E

(B. WYCKO: (415) 558-5972)

833 - 881 JAMESTOWN AVENUE - Appeal of Preliminary Negative Declaration. The project sponsor proposes construction of a Planned Unit Development (PUD) that would consist of 198 one-, two- and three-bedroom market-rate condominiums on an approximately 6.9-acre lot, located at 833-881 Jamestown Avenue on Assessor's Block 4991, Lot 277, on the northern slope of Bayview Hill. The site is currently used as an overflow parking lot for events at Candlestick Park, which is approximately one-third of a mile southeast of the project site. The site is bordered by Jamestown Avenue (and single-family homes on the north side of Jamestown) to the north, another vacant lot to the east that also is used for parking for major events at Candlestick Park, the hillside to the south, and single-family housing to the west. Although the area proposed for development is mostly flat, development would require excavation of up to approximately 30 vertical feet at the base of the hill. The project would consist of 11 separate three- and four-story buildings: seven buildings of 12 to 18 units each along Jamestown Avenue and four buildings to the rear, at the base of the hillside. Of these latter four structures, two (36 units each) would be built atop one-story gated parking garages, while smaller buildings (one of eight and one of 10 units) would flank the garages. A total of 216 independently accessible parking spaces would be provided. The proposed project would include landscaping along Jamestown Avenue, construction of a 10-foot-wide sidewalk, two off-street freight loading areas, and about 28,900 sq. ft. of common open space, including two rear yards at the base of the hillside totaling about 7,250 sq. ft. and podium- and ground-level patios. The project also would remedy an existing drainage problem on Bayview Hill above the project site, on Recreation and Park Department land. The project site is located within the South Bayshore Plan area, in an RH-2 (Two-Family) Use District and a 40-X Height and Bulk District. As a PUD, the project would require review and approval by the City Planning Commission pursuant to Sections 303 and 304 of the Planning Code.

(Continued from Regular Meeting of February 5, 2004)

Preliminary Recommendation: Uphold the Preliminary Negative Declaration

SPEAKER(S):

Re: Continuance

Shirley Moore

- According to the continuance, she was out of the country when the executive summary was sent out.
- She is not prepared to deal with the information and to digest it.

Ralph House – Appellant

- He agrees with the continuance since the information he received from the department he received on March 3. This was not enough time to provide information or receive answers on this project.

Holly Ames

- She did not receive the packet until this last Tuesday. She rushed to read it and feels that there is not enough time to comment on this case.

Pastor Walker

- He has been related to this project for several years.
- Because of the need and the necessity of this project, he recommends that the Commission act now and not postpone it.

Leonard Ross – True Hope Church of God in Christ

- This project should be continued.

Jim Reuben – Representing Project Sponsor

- This case has been actively pursued for a long time.
- There isn't anything new to add to this project.
- He would really like to go ahead with this project since everyone is here.

Nancy Stevens

- She lives on Jamestown Avenue.
- She does not have any idea what the details of this project are.
- She urges the Commission to continue this project until all the residents are well informed.

Timothy Alan Simon

- He lives on Jamestown Avenue.
- He is also requesting a continuance on due process grounds.
- The 49ers and Park and Recreation representatives should be here in attendance but they are not.
- This community is really trying to make this a safe and sound community.

Cathy Braun

- She lives on Jamestown Avenue.
- She did not receive enough information on this project.
- She has lived in this area for over 25 years.
- She is in support of a continuance so that everyone can benefit from this hearing.

Owen Guan

- He did not receive any information on this item.
- He supports a continuance.

Bob Lee

- He has been a member of this community for about 45 years.
- Delays can kill a project.
- There are about 1800 residents in this neighborhood.
- This neighborhood really needs this housing.
- He would be disappointed if the developer decided to cancel the project because of the delays.
- No one will be able to inform everyone in this community. It would be impossible.
- It isn't often when a developer wants to invest thousands of dollars into a neighborhood.

- Another delay is unmerited and is uncalled for.

(Did not state name)

- His concerns have not been addressed so he is in support of this continuance.

Espinola Jackson

- She has been a resident of the community since 1968.
- The Park and Recreation Department's only involvement in this project is related to the open space because the Bay View Hill is a burial ground for Native Americans.

Alan Martinez – Project Architect

- He has been meeting with the neighborhood for many years.
- There is no new information that has been sent out.
- There is a list of all the community meetings that have been organized.
- There is no reason for a continuance.

Keith Richardson

- He is against this continuance.
- It is time to go on with this project.
- He would like to one day be a homeowner.

Con Nicholson

- A project of this magnitude really needs to be done right.
- He is in support of this continuance.
- Concern about quality for the residents is most important.
- If a continuance is what is needed so that all involved parties are satisfied, then it should be continued.

Clement Johnson

- This project should be heard today. It has been going on for 13 years.

Rev. Bell

- He has been in this area for a long time.
- He feels that this process should move forward.
- The longer that this project is delayed, it costs a lot of money.

Devan Richardson

- He is a lifetime resident of the Bay View community.
- He is against this continuance. The developer has done a lot of work with trying to deal with the issues.
- There are people here today who are ready and able to become homeowners.
- There are many people that want to move back into San Francisco.
- This project should be moved forward.

Milard Walkin

- They have done a lot of outreach with the community. There have been about 40 [meetings].
- Had this project been allowed to be built when it was initiated it would have cost a lot less.
- This project needs to be moved forward.

Tania Alexander

- She was born and raised in this area.
- She is not in support of a continuance.
- She lives in Vallejo but her church, her parents and her job is in San Francisco and she would like to become a property owner in the City.
- This project is badly needed and the only way that this will happen is if this developer is allowed to construct the project.

Kathleen Williams-Clary

- She is appalled with this project.
- She requests a continuance because the design and height of the building is not in compliance with the rest of the neighborhood.
- She requests a continuance to review the design.
- She proposed a reduction in height and in bulk.

Melvin Brown

- There should be a continuance on this project until more information is provide and everyone can make a better decision on this project.

Maven Salves

- He lives near the project.
- He supports the project. It is long overdue.
- There have been delays after delays.
- He is not in support of a continuance.

Jim Salinas

- Every developer also has the responsibility to communicate details of the project with the community and include them in the process.
- Public benefits are very important--such as affordable housing.
- The Commission has the responsibility of communicating to the developers that there is such a thing as due diligence.
- He is hardly ever in favor of a continuance but in this instance he is.

Ruth Callis

- She just received this information today and is in support of a continuance.

Joe O'Donaghue

- This project needs to go forward today. It has been going on and on and on.
- The Commission should oppose any delays whatsoever.

Al McKees

- He is in favor of discontinuance. Having a continuance will mean segregated housing.

Archie Auquipenty

- He has developed many projects in the Bay View district.
- This project needs to go forward. No one wants to have this project go on for three more years.

Derrick Smith – Marin Ship Construction Services

- He is in support of this project and of a continuance.

Toye Moses

- He would like the Commission to make a decision today and not continue this project.

Charles Clary

- This project should be continued since the community wants to work with Mr. Murphy.
- The first time that the project was presented, it was presented other than what it is today.
- He is sure that they can work with the developer.

ACTION: Without hearing, item continued to March 25, 2004 (placed at the beginning of the calendar).

AYES: Antonini, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

ABSENT: Bradford Bell

17. 1999.0233C (J. PURVIS: (415) 558-6354)
833-881 JAMESTOWN AVENUE - south side from Ingalls to Griffith Streets; Lot 277 in Assessor's Block 4991 - Request for Conditional Use authorization under Sections 209.1(g), 303 and 304 of the Planning Code for a Planned Unit Development with up to 198 dwelling units, including one-, two- and three-bedroom units within eleven separate three- and four-story buildings. The project would include up to 216 off-street parking spaces within two garages at the base of two interior residential buildings, and two screened off-street freight loading spaces. The site is 6.9 acres on the northern slope of Bayview Hill and is within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of February 5, 2004)

SPEAKER(S): Same as those listed for Item 16.

ACTION: Without hearing, item continued to March 25, 2004 (placed at the beginning of the calendar).

AYES: Antonini, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

ABSENT: Bradford Bell

This item was taken out of order and followed item 15.

- 18a. 2003.1038KCR (M. LI: (415) 558-6396)
1490 MASON STREET - east side above the Broadway Tunnel, Lot 046 in Assessor's Block 0159 - Request for a General Plan Referral to determine if the construction of a wireless telecommunications facility for Sprint PCS on the Chinatown Public Health Center is consistent with the objectives and policies of the General Plan.
Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan
(Continued from Regular Meeting of February 5, 2004)

SPEAKER(S):

(+) Jennifer Estes – Sprint

- This application complies with the WTS Siting Guidelines and the San Francisco Municipal Code.
- This site is a preference 1 and is the most desirable.
- The design is visually unobtrusive and compatible with the neighborhood.
- Sprint mailed 991 trilingual notices.
- There were meetings with the neighbors and only two people attended.
- Sprint spoke to the health center in the neighborhood and there were about 40 people in attendance.
- Currently Sprint's coverage is insufficient in the area.

Patricia Molino

- She is opposed to this project.
- Many people receive the notices and they throw them out because there is not much education on the radiation. There is simply not much education in the community.
- There is also no awareness or notification placed in the local newspapers.
- She realizes that San Francisco has enough antennas and almost all of the cell phones work just fine.
- She is appalled that this installation is proposed at a health center where there are a lot of elderly.

ACTION: Approved

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Bradford Bell

MOTION: 16737

- 18b. 2003.1038KCR (M. LI: (415) 558-6396)
1490 MASON STREET - east side above the Broadway Tunnel, Lot 046 in Assessor's Block 0159 - Request for conditional use authorization to install a wireless telecommunications facility for Sprint PCS consisting of four antennas and five equipment cabinets on the Chinatown Public Health Center. Two antennas will be concealed inside a replacement flagpole on the roof, one antenna will be concealed inside a false vent pipe on the roof, and one antenna will be suspended from the ceiling of the Broadway Tunnel at the east entrance. The equipment cabinets will be located on the roof of the building. The project site is within an RM-2 (Residential, Mixed, Medium Density) District

and a 40-X Height and Bulk District. The proposed facility meets Location Preference 1 of the WTS Facilities Siting Guidelines.

Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of February 5, 2004)

SPEAKER(S): Same as those listed for item 18a.
ACTION: Approved
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Bradford Bell
MOTION: 16738

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 5:24 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, April 8, 2004.

SPEAKERS: None
ACTION: Approved as Corrected: President Shelley Bradford Bell was absent. Vice President Sue Lee called the meeting to order.
AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee
EXCUSED: Bradford Bell

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 11, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

APR 14 2004

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,
William L. Lee

COMMISSIONERS ABSENT: Edgar E. Boyd and Lisa Feldstein

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:42 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Tina Tam; Dominick Argumedo; Paul Lord; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2003.1217D (J. IONIN: (415) 558-6309)
342 21ST STREET - east side between Geary and Clement Streets; Lot 033 in Assessor's Block 1452 – Request for Discretionary Review of Permit Application No. 2003.08.07.1409, proposing to add two units to the existing single-family dwelling by constructing new third and fourth floors, and a rear addition in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take DR and approve as proposed.
Proposed for Continuance to March 25, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to March 25, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

2. 2003.1061D (J. PURVIS: (415) 558-6354)
133 St. MARY'S AVENUE - Mandatory DR to demolish a fire-damaged single-family dwelling and construct a new three-story two-family dwelling in the RH-2 (Residential, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Pending
Proposed for Continuance to April 15, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 15, 2004.
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein
3. 2004.0104D (J. PURVIS: (415) 558-6354)
133 St. MARY'S AVENUE - Mandatory DR to construct a new three-story two-family dwelling after demolition of a single-family dwelling in the RH-2 (Residential, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Pending
(Proposed for Continuance to April 15, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 15, 2004.
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein
4. 2004.0032D (J. PURVIS: (415) 558-6354)
43 HAMILTON STREET - Mandatory DR to demolish a single-family dwelling and construct a new single-family dwelling in an RH-1 (Residential, Single-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Pending
(Proposed for Continuance to April 22, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 22, 2004.
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein
5. 2004.0033D (J. PURVIS: (415) 558-6354)
43 HAMILTON STREET - Mandatory DR to construct a single-family dwelling following demolition of a single-family dwelling in an RH-1 (Residential, Single-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Pending
(Proposed for Continuance to April 22, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 22, 2004.
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein
6. 2003.0946D (D. DiBARTOLO: (415) 558-6291)
458-460 35th AVENUE - east side between Geary Boulevard and Clement Street: Lot 042 in Assessor's Block 1466 - Request for Discretionary Review of Building Permit Application No. 2003.02.21.8034, proposing to; (1) construct a 3' 4" deep, three-level rear horizontal addition and a two-story deck and stairs; and, (2) add a new, approximately 830 square foot, partial third floor to a two-story over ground floor structure containing

two dwelling units in an RH-2 (Residential House, Two-Family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised.

(Continued from Regular Meeting of February 12, 2004)

Proposed for Continuance to April 22, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to April 22, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

7. 2002.0731D (J. IONIN: (415) 558-6309)
3410 CALIFORNIA STREET - north side between Laurel and Locust Streets; Lot 009 in Assessor's Block 1019 - Request for Discretionary Review of Permit Application No. 2001.05.14.9020, proposing to construct a new four unit building in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take DR and approve with modifications.
(Proposed for Continuance to May 6, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 6, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

8. 2002.1129E (L. GIBSON: (415) 558-5993)
SAN FRANCISCO MARINA RENOVATION - Lot 003 of Assessor's Block 900 in the Marina District on the northern waterfront between Laguna and Lyon Streets north of Marina Boulevard - **Appeal of Preliminary Mitigated Negative Declaration**. The proposed project is the renovation of the San Francisco Marina Yacht Harbor. Water-side improvements would include installation of three new breakwater structures and the removal of two existing breakwater structures; reconstruction of portions of the degraded rip-rap slopes; maintenance dredging; replacement and reconfiguration of the floating docks and slips; replacement of gangways and security gates; installation of one oily water and sewage pump out facility and refurbishment of two existing sewage pump out facilities; and upgrade of utility services and lighting at the new floating docks. Land-side improvements would include renovation of existing marina restroom, shower, and office buildings; conversion of a vacant building into office space; construction of a new maintenance building; re-stripping of existing parking lots and public paths; and construction of a new children's play area. The site is within a P (Public) District and an OS (Open Space) Height and Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to June 24, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 24, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

B. COMMISSIONERS' QUESTIONS AND MATTERS

9. Consideration of Adoption - Draft Minutes of February 12, 2003.
SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein

10. Commission Comments/Questions

Commissioner Antonini:

Re: Information provide by Commissioner Bill Lee last week

- He thanked Commissioner Bill Lee for distributing the report from the Committee on Jobs of the San Francisco City and County Budget.

- The most interesting item in the report is that the 300 million dollar shortfall was not a one time situation but rather endemic of a structural problem in the budget and is evidenced that there has been a huge increase in the size of the work force from 1995 to 2003; and our per capita spending is far in excess of other cities.

- he has taken part in a study that was done in 2001 and this was exacting the finding when they compared the cities of San Jose and San Francisco.

- He would like to calendar a discussion in the future of this particular study. It does ask a lot of questions regarding the sort of things the Commission does in terms of approving projects, housing policies, etc. Do these decisions influence the budget of the City?

Commissioner William Lee

Re: Landmarks Advisory Board

- Last week there was a presentation from the Landmarks Board.

- Is there enough staffing allocation for historic preservation and for someone to get a Certificate of Appropriateness?

Acting Director Badiner responded:

- The answer is no.

- There have been two staff positions lost in that unit.

C. DIRECTOR'S REPORT

11. Director's Announcements

Re: Acting Director and Acting Acting Acting Zoning Administrator

- He will be wearing two hats today and is asking for the Commission's patience.

Re: Commissioner Feldstein

- Acknowledged and thanked Commissioner Feldstein who brought four very large and very delicious cakes in appreciation of staff.

12. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

BOS –

The following are the new BOS Committees:

Budget Committee: The Chair is Supervisor Sandoval, the Vice Chair is Supervisor Daly and the third member is Supervisor McGoldrick.

Finance Committee: The Chair is Supervisor Daly, the Vice Chair is Supervisor Peskin, and the third member is Supervisor Amiano.

Planning Department Audit Committee: The Chair is Supervisor Peskin, the Vice Chair is Supervisor Amiano, and the third member is Supervisor Daly.

The Land Use Committee: The Chair is Supervisor McGoldrick, the Vice Chair is Supervisor Peskin, and the third member is Supervisor Maxwell.

Re: Divisadero restrictive use district

- The Board of Supervisors passed this unanimously on the first reading.

Re: Formula Retail Legislation

This legislation will go before the Land Use Committee on Monday.

Re: 8 Washington Street

This appeal has been accepted by five supervisors and will be heard on March 30, 2004

BOA –

- Jonas Ionin from staff represented the department.

Re: 737 Pine Street

- This was a Zoning Administrator determination.

Re: 3358 Cesar Chavez – Day Labor Program

- The Board agreed with the concerns the Planning Commission had. They also agreed that the pursuit of a larger site was a priority.

D. REGULAR CALENDAR

13. 2003.1132D (T. TAM: (415) 558-6325)
1459 4th 24th AVENUE - west side between Kirkham and Judah Streets, Lot 12 in Assessor's Block 1829 - Request for Discretionary Review for Building Permit Application No. 2003.07.17.9719, proposing to alter a previously approved construction of a new single-family dwelling, specifically to correct the dimension of the adjacent property to the north on the site permit. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

SPEAKER(S):

Re: Continuance

Jerry Urman

- He is in agreement with a continuance but to a further date than March 25, 2004.
- He is a schoolteacher and does not like to leave his students with a substitute teacher.

ACTION: Because the calendar shows an incorrect street address, the item was continued without hearing to March 25, 2004 (latish on the calendar)
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein

14. 2003.0741D (T. TAM: (415) 558-6325)
580 OAK PARK DRIVE - end of Oak Park Drive, a cul-de-sac, 450 feet from the corner of Devonshire Way and Oak Park Drive, located in the Forest Knolls Neighborhood, in a residential enclave sandwiched between Mount Sutro and the Laguna Honda Reservoir, Lot 30 in Assessor's Block 2676 - Request for Discretionary Review for Building Permit Application No. 2002.12.04.2261, proposing to construct a new three-story-over-garage, single-family dwelling in an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

SPEAKER(S):

(+) Larry Paul – Representing Project Sponsor

- He showed various photographs of how the project would look compared to the adjacent homes.
- He also displayed pages from the Residential Design Guidelines showing how the project could be changed to be in conformance with the guidelines.
- By having a top floor setback it would lessen the impact of the building.

--The rear deck is quite large and does not need to come all the way out. It could be cut out a few feet.

(-) David Pelavin

- He lives on this street.

- There is a deck on the second floor on the north side. This deck should be removed because from it one could look straight into his dining room. There is not much need for that deck.

- If this deck is not removed, he would like to have some privacy lattice installed so there is no view into his dining room.

- This project takes away one of three off street parking spaces. If there are additional cars with this house, that will create a problem.

(-) Amanda Hillery

- She is concerned with the general character of the neighborhood.

- She is concerned about the footpath that runs to the north of the proposed property.

- This is like a green oasis and is used by the general public. There are some undesirable rodents and they might be displaced if this project is approved.

- There have been landslides due to erosion. She would like to be ensured that the proper measures will be taken to not have any of the neighbors be impacted by the instability of the soil.

(-) Jackie Pelavin

- Many of the neighbors have been there for many, many years.

- The proposed house will create a huge shadow and huge scale impact on her house.

- The proposed house will be double the size of her house.

- Every house on this street has setbacks.

- They are not opposed to the project, but there are changes that she would like the Commission to take into consideration.

- She is concerned with landslides.

(-) Eugene Barsotti

- He has lived on this street for 41 years.

- One of the problems with this house is that the lot is designed so that the house could be setback from the sidewalk.

- He does not understand why the house does not fit the size of the lot.

- The house will just look completely out of place.

(-) Patricia Barsotti

- She read a letter from her neighbor who is not in support of the project.

- She could not attend the hearing because she is an elderly, house ridden senior.

(-) Christine Hausson

- She lives right next door to the proposed project.

- The area has not changed for many, many years.

- Prior to filing this Discretionary Review, she wrote to the project sponsor and this person failed to comply.

- She is not opposed to the building; she would like the Commission to look at all the issues presented by the people who are opposed.

(-) Hans Hausson

- This area is noted for landslides.

- The concern about the slippage is very important to him.

- There are a lot of eucalyptus trees and these trees do not have deep roots.

- He is concerned that the roots of these trees will be impacted and can cause a danger to the neighbors.

(-) Charles Cunningham

- Using photographs of distant views of the area, he showed how the proposed house would compare to the other homes.

- He is concerned with the probability of slides.

(+) Archie Occhipinti

- If he built the project the way the Discretionary Review requestor's architect asked him to he would be invading the sidewalk by 10 feet.

- There is no possible way that the DR requestor could see his deck.
- He has to have an elevator. There is no way he can get an elevator in a 22 foot pad.
- He thinks that the architect should take another look.
- He is curious to know if he has appeal rights.

ACTION: Hearing Held. Public Comment Remains Open. Item continued to April 1, 2004. Staff is to contact the Department of Building Inspection for input on what (if any) special procedures are needed regarding the soil conditions. The project sponsor is encouraged to meet with neighbors.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

- 15a. 2003.0047 DDDDDDDDDDDDV (G. NELSON: (415) 558-6257)
44 LURMONT TERRACE - a cul-de-sac on the north side of Leavenworth Street between Greenwich and Lombard Streets; Lot 025 in Assessor's Block 0071 - Mandatory Discretionary Review and Requests for Discretionary Review of Building Permit Application No. 2003.05.08.4122, proposing the construction of a four-story, single-family dwelling within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The related demolition, Case No. 2004.0030D is not before the Commission under the Residential Demolition Policy because the home to be demolished is appraised at greater than \$1.2 million.
 Preliminary Recommendation: Take Discretionary Review and approve with modifications.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S):

(-) Stan Sager

- He is a real estate broker.
- He has been selling real estate in the state of California for over 30 years.
- The property's market value in December of 2003 was in the range of 795,000.
- A property in this City would not double its purchase power in just 6 months.

(-) Elton Buffer

- He has lived in the neighborhood for over 45 years.
- The neighbors have produced a video in order for the Commission to become familiar with the street. [He showed the video.]

(-) Alice Berkley

- She displayed a map of an aerial view of the home on Lurmont Terrace.
- Because the Commission changed their policy regarding Discretionary Reviews, the neighbors were not able to file more DRs.
- There are extraordinary circumstances because the location is mid block and surrounded by buildings. It is in a very sensitive spot.
- The scale and massing is very inappropriate.
- She presented photographs of the street without the finished project compared to a photograph of the street with the finished project showing how incredibly massive it is and overwhelming for this site.
- At a minimum, one story of this building should be eliminated.

(-) Tony Rodriguez

- He is representing Dr. Calvert.
- Dr. Calvert submitted a letter expressing his concerns about this project because he lives near the project site.
- Part of Dr. Calvert's lot serves as vehicular access and parking for 13 residential units.

(-) Franklin Bowles

- He really wishes that the Commission realizes the grotesqueness of this project. It is just too large and massive.
- He hoped that the other 150 people affected by this project would be here.
- The neighborhood would like to have something a little more reasonable.

(-) David Kimball

- He and his wife live on Lombard Street.
- They support the construction of a habited house as opposed to an inhabited house.
- The previous owners of the proposed project had a reasonable and acceptable design.
- He and his wife are disheartened with the loss of harmony they had valued for so many years.

(-) Jeff Baker

- He and his wife live on Lombard Street.
- His view is not in any way impacted by this project.
- They had a really good relationship with the previous owners. This is not the case today.
- The project is just too massive and not in context with the mid-block open space.
- He showed a lot map of the various neighbors who are opposed to the project because of size, scale and the destruction of mid-block open space.
- This project will create a cement canyon.
- They are also concerned with the construction noise.

(-) Dorothy Aschetti

- She is voicing many of the concerns her neighbors have expressed.
- She is mostly concerned about the mid-block open space and the serenity that will be eliminated with this project.
- She hopes that the Commission will take all these things into consideration.

(-) Lisa Huetten

- She is representing Randy Flood who submitted a Discretionary Review request but was not able to attend the meeting.
- The project is substantially larger than the adjacent homes.
- She hopes that the Commission will take the concerns of the neighbor's quite seriously.

(-) Brad Marks

- His objection is not about views, it is about the appropriate handling of the mid-block open space.

(-) Carrie Novatney

- She agrees with all the concerns of the neighbors.
- No matter what happens, they will be able to maintain their view of Coit Tower.
- She is very concerned about the mid-block open space. It will be negatively impacted.

(-) Jerry Mutz

- They overlook the mid-block green space to the north.
- His interest in this green space is not about views but about cherishing a soft area and their gardens.
- This area is a home for raccoons and birds and not for an extremely large home.
- The residents of the block really treasure and appreciate open space, greenery and pathways.
- The neighbors approved the previous proposal because it respected the open space.

(-) Catherine Mutz

- She is representing Marilyn Duffy who was not able to attend the hearing but is opposed to the project.
- She read a letter from Ms. Duffy.

(-) Fred Sherman

- He and his wife live on Lombard Street.
- This is a true neighborhood with a great deal of friendliness and concern.
- This project is just too out-of-scale. It does not respect greenery and does not fit into the neighborhood.
- Many of these same neighbors supported an expansion by the previous neighbors that was approved without any Discretionary Review.

(-) Jim Salinas

- A few months ago he was able to go by 44 Lurmont Terrace.
- This little house should have been able to be renovated without designing it in such a large and massive way.

- Houses that are affordable starter homes for some families are being torn down.

(-) Penelope Clark – Co-Chair of the Russian Hill Neighbors

- She submitted a letter from her Board of Directors stating their opposition to this project as it is currently proposed, as well as the variance.
- Because there is a garage in the buildable area there is no need to put it in another location.
- The project sponsors have not made any effort to communicate with the neighbors to deal with the issues they might have.

(-) Shawn Leonard

- She has had the chance to work both commercial and residential markets of construction.
- She is concerned about a trend that seems to be going on in San Francisco--the demolition of existing properties.
- There are a lot of beautiful properties in the area.
- She feels that this home is structurally sound and should not be abolished.
- The Planning Commission should not allow the demolition of homes and allow something larger to be built.

(-) Valerie Young

- She lives directly across from the subject property.
- She has lived in the area for 18 years.
- She and her husband are opposed to this project because it involves demolishing a medium sized home and replacing it with a very large, very massive, four level structure.
- The new home is completely inappropriate for this neighborhood.

(-) Jason Wisner

- This is an extremely large project that is not harmonious with the neighborhood character.
- He is opposed to the demolition and [the proposed house] should not be allowed.
- There is an existing property that can be refurbished.

ACTION: Hearing Held. Publish Hearing Remains Open. Item Continued to May 27, 2004. Commissioners expressed concern with the size of the proposed house, the unusable interior space, and the top floor.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

- 15b. 2003.0047DDDDDDDDDDDD (G. NELSON: (415) 558-6257)
44 LURMONT TERRACE - a cul-de-sac on the north side of Leavenworth Street between Greenwich and Lombard Streets; Lot 025 in Assessor's Block 0071 - Request for Variance from the rear yard requirements of the Planning Code to construct a single-family dwelling partially into the required rear yard, within an RH-3 (Residential, House, Three-family) District, and a 40-X Height and Bulk District. Section 134 of the Planning Code states that in an RH-3 District, in the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, the minimum rear yard depth shall be 25 percent of the total depth of the lot, or 15 feet, whichever is greater. On the approximately 80-foot deep subject lot, this results in a rear yard requirement of 20 feet, with the south side of the lot being considered the rear. The proposed construction would project into the required rear yard by up to 11 feet at the ground (garage) floor level, extending to within 9 feet of the south property line. The application requesting a Variance will be heard by the Zoning Administrator.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S): Same as those listed for Item 15a.

ACTION: Zoning Administrator Continued Item to May 27, 2004. Public Comment Remains Open.

- 16a. 2003.1268D (T. WANG: (415) 558-6335)
571 VALLEY STREET - south side between Castro and Diamond Streets; Lot 020 in Assessor's Block 7536 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.10.03.8119, proposing to demolish an existing single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve demolition.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S):

(+) David Silverman – Representing Project Sponsor

- He thanked staff and the Acting Director for working so hard on this project.
- This home will provide parking spaces where the current home does not have one at all.
- The project sponsor has reached successful conclusions with the neighbors. These neighbors have submitting letters confirming this.
- The project fully complies with the Residential Design Guidelines.
- This project provides family housing and there are no exceptional circumstances.
- The engineering firm that prepared the soundness report is here and is available for questions.

(+/-) Father Nazarin

- He is a catholic priest and lives across the street from the proposed project.
- He is concerned with a public notice that stated there was to be a hearing on January 22. That hearing did not happen and was continued to this date. The problem with that is that no one was notified of this continuance. There probably would be more people here today to speak on this project. That is why he would like to have this project continued.
- He is also concerned that when construction is going on and because the street is quite narrow, this could cause problems if there were to be a catastrophe. He would suggest that the construction equipment be put below the spot where there is a constant bottle neck.

(+) Hector Navarro

- He knows the area quite well.
- He supports this project. The current building is quite ugly.

(+) Drake Gardner – Project architect

- He does not believe that there are any problems regarding the neighbors knowing when the hearing would be.
- Based on the response from the neighbors he feels that he has developed a project that is acceptable to the neighbors.

(+) Luke O'Brien

- The current structure is quite an eyesore.
- He is in support of the new structure.

(+) Brian McGee

- The project sponsor has done a great job in communicating with the neighbors about the design and changes and has dealt with the issues.

ACTION: Did not take Discretionary Review and approved the demolition.
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
 ABSENT: Boyd and Feldstein

- 16b. 2003.1289D (T. WANG: (415) 558-6335)
571 VALLEY STREET - south side between Castro and Diamond Streets; Lot 020 in Assessor's Block 7536 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2002.10.03.8125, proposing to

construct a new three-story over garage and basement, single-family dwelling in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S): Same as those listed for Item 16a.

ACTION: Took Discretionary Review and approve the project with the following modification: add 1 foot of elevation to the second floor and 1 foot elevation to the third floor.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

17. 2004.00921 (D. ARGUMEDO: (415) 558-6284)
ALLIANT INTERNATIONAL UNIVERSITY - Notification by Zoning Administrator of filing of 10 year abbreviated Institutional Master Plan by Alliant International University per Planning Code Section 304.5 (d). The University's San Francisco Bay Area campus is currently located in Alameda but proposed for relocation to One Beach Street. As this is submission of an abbreviated institutional master plan, the Planning Commission may, at its option, either hold or not hold a public hearing on the plan.
 Preliminary Recommendation: No Action Required. Receipt of Public Testimony only.

SPEAKER(S):

(+) **Connell F. Persico – Alliant International University**

- He is exited about bring back an asset that originated in 1970.

- The students and faculty in psychology and education dedicate thousands of hours of service to young children and adults.

- They are working diligently on developing a traffic plan to avoid problems.

(+) **Jeremy Nelson – Transportation for a Livable City**

- They worked closely with the San Francisco Bike Coalition, City Car Share, Housing Action Coalition, Walk San Francisco and Rescue MUNI.

- All of them are in support of the University's Master Plan because Alliant has diligently been working on providing public transportation to the University.

- They provide a monthly pre tax transportation benefit to students and faculty.

- No one will be prohibited from driving, but they will pay market rate parking fees.

- Transportation for a Livable City also applauds the University for not providing off street parking.

- He urges the Commission to approve this master plan and direct the project sponsor to provide City Car Share and/or bicycle stalls.

ACTION: Commission decided to not hold a public hearing.

18. 2004.0050T (P. LORD: (415) 558-6311)
PERMITTING TOURIST HOTELS OF 75 ROOMS OR LESS IN THE SERVICE/SECONDARY OFFICE (SSO) ZONING DISTRICT - Consideration of an Ordinance amending the San Francisco Planning Code by amending Section 818 and adding Section 818.78 to Table 818 to allow a tourist hotel of 75 rooms or less as a principal permitted use in the SSO (Service/Secondary Office District; adopting findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
 Preliminary Recommendation: Disapproval with recommendations.

SPEAKER(S):

(+) **Bill Barns – Office of Supervisor Daly**

- Supervisor Daly supports the recommendation of planning staff. Approvals through Conditional Use is a good idea. Supervisor Daly also believes that by making it through

Conditional Use, the question of displacing PDR is addressed. The Commission would have to have a hearing if PDR is being displaced.

- All of the Commission understands that the South of Market community planning process needs a little work.
- The residents of SOMA are interested in a variety of uses.
- The SOMA residents do not want the Community Planning Process to inhibit development.
- This legislation is appropriate while the Community Planning Process is finalized.

(+) Jim Meko – SOMA Leadership Council

- The staff recommendation is flawed. If staff included more facts the recommendation would have been approval with some recommendations.
- All seven Commissioners have approved removing SOMA from the Eastern Neighborhoods process. Now staff has gone ahead and taken the areas back into the process without approval of the Commission.
- Staff is considering a radical down zoning of the area and some of the western South of Market.
- This kind of legislation should be based on the context of a healthy mixed use and not isolating PDR.
- Western SOMA was removed from the Eastern Neighborhoods process because the process was unresponsive to how the residents envision the future of SOMA. No one supports Core PDR.
- He urged the Commission to approve the legislation.

(+) Ernesto Cerrillos

- He has been a hotel worker for many years.
- He is in favor of building small hotels.
- There would be more opportunities for employees.
- San Francisco is a beautiful city and this would provide a large income for the City.

(+) Circe Sher – Metrovation

- She has been working with Supervisor Daly to allow a hotel on her property.
- She believes that the site on 5th and Townsend has evolved into a good site for a hotel.
- There are great amenities in the area to support a hotel.
- The hotel would have 50 rooms and the design would be elegant and historical.

(+) Wayne Wilson – 655 5th Street Homeowners Association

- Everyone in the association is in support of this legislation because we believe it will bring vitality to the neighborhood.

(+) Mark Dumolien – 695 5th Street Homeowners Association

- He echoed Wayne Wilson's comments.
- Hotels provide 24% foot traffic and it fits with the live/work businesses and others in the area.
- He support the legislation.

(+) Peter Morse – Townsend Association LLC

- He owns a business in the area and has seen how it has developed.
- This legislation would not displace any PDR uses.
- There is a lot of talk about whether the neighborhood should be exclusive PDR. He is unaware of the discussions on this subject.
- The hotel will enhance the mixed uses in this vibrant neighborhood.

(-) Mark Seiler

- His major concern is that he has not been involved in the community planning process.
- His concern is that his property will be down zoned and this will have a negative impact on him.
- He would like to be included in the community planning process.

(-) David Baker

- He displayed a map of SOMA explaining how it is so out of date. But this map was printed from the database.

(-) Sue Hestor – Hotel Workers Local 2

- There is no compelling reason to do this outside the completion of the South of Market planning process
- The hotel workers really track what is going on in the hotel industry.
- Right now the hotel industry is going through a tough time. There is a high number of vacancies.
- The focus was misplaced in the staff analysis.
- It is totally proper to have a finding in this area.
- Local 2 is against this legislation and is against anything that would take away any of the Conditional Use provisions.

(+) Jaime Rossi – Chamber of Commerce

- He submitted a letter from neighbors who are in support of the project.
- Any plans to extend CalTrain would have to stop at 4th and Townsend.
- The area is a truly a mixed use area.
- This is going to bring PDR forward and not backward.
- Hotels create hundreds of construction jobs and jobs within the hotel.

ACTION: Approved the legislation with recommended modifications that would include requiring Conditional Uses in that area and to not allow hotels on sites where there has been PDR use for the last 18 months.

AYES: Antonini, Bradford Bell, Hughes, W. Lee

NAYES: S. Lee

ABSENT: Boyd and Feldstein

RESOLUTION: 16740

19. 2003.1312T (P. LORD: (415) 558-6311)
LANDMARK TRANSFERABLE DEVELOPMENT RIGHTS AND ARTWORK CONTRIBUTIONS - Consideration of an Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
 Preliminary Recommendation: Approval
 (Continued from Regular Meeting of February 26, 2004)

SPEAKER(S):

(+) David Owen – Representing Supervisor Peskin

- Supervisor Peskin will be proposing at the Land Use Committee the following amendments: 1) the first amendment clarifies what the floor area ratio base is for public buildings meeting a strict criteria for landmark statutes in the ordinance. The basis of what is used to calculate the amount of TDR that could be available for sale for such a building; 2) where a development lot must be located to transfer P building TDR meeting the historic criteria set forth in the ordinance parallels the existing language in section 128 was omitted in the draft of the ordinance; 3) corrects a missed cross reference which is the old section 5 and is crossed out in the proposed amendment so that the concept of the arts funds could be used on exterior elements needs to be restated at that point in the ordinance.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

RESOLUTION: 16739

20. 2003.1260D (E. TOPE: (415) 558-6316)
111 COUNTRY CLUB DRIVE - east side near Berkshire Way; Lot 031 in Block 7277 - Request for Discretionary Review of Building Permit Application No. 2003.08.08.1594S, proposing to construct a horizontal and vertical addition to an existing single family dwelling in an RH-1(D) (Residential, House Districts, One-Family, Detached Dwellings) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(-) Denis Driscoll – Discretionary Review Requestor

- He is requesting that the proposed construction be modified because it will cause a negative impact on his property and it is not consistent with the Residential Design Guidelines.
- With his proposed compromise, he will still lose some light and a window but he is willing to compromise.
- He showed photographs demonstrating how with the new construction he will lose a large amount of sunlight to his property.
- He suggests that they lower the ceiling height from 9 feet to 8 feet.

(-) Joanne Driscoll

- She and her husband are native San Franciscans.
- Their daughter is allergic to mold and is asthmatic.
- She requests that their family needs be considered as well.

(-) Leslie Zamarripa

- She owns property on Country Club Drive.
- She feels that the project that is being proposed is out of scale and will take away from the planned openness.
- Plans are not customarily read easily. Once built, projects have proven to be a different matter than what was drawn.
- She is concerned that the height will diminish light and increase mold to the DR requestor's home. This will be quite a problem since their daughter is allergic to mold.

(-) Nancy Berger

- She has been a homeowner on Country Club Drive for many years.
- She read a letter from a neighborhood who was not able to attend the meeting and is against the construction.

(+) Therese Peffer – Project Designer and Agent

- The proposed addition would only be above the crawl space.
- They have complied with all of the Planning Codes as well as the Residential Design Guidelines.
- She believes that there will be no impact on the neighbors.
- She has designed a setback of eight feet.
- There are several [existing] precedents in the neighborhood (she showed a photograph of a few on that street).
- She is not clear if the 56 signatures that are not in support of the project saw the project or they are just against construction completely.
- She does not believe that this addition is exceptional or extraordinarily.

(+) Maria Bonkowski

- The construction is just simply because they need an extra bedroom for their child.
- There are many homes that have construction additions. So the neighborhood will change inevitably.
- The design is harmonious with the other homes.
- She hopes that the Commission will consider their concerns.

(+) Joseph Bonkowski

- He and his wife included the DR requestors many times.
- In the beginning the DR requestors were only concerned with privacy, then it became air, then it became sunlight until they came to a complete stop.

ACTION: Did not take Discretionary Review and approved the project.
 AYES: Antonini, Bradford Bell, S. Lee, W. Lee
 NAYES: Hughes
 ABSENT: Boyd and Feldstein

21. 2003.0945D (J. PURVIS: (415) 558-6354)
1907 EGBERT AVENUE - northeast corner at Bayshore Boulevard; Lot 002B in Assessor's Block 5439 - Discretionary Review of Building Permit Application No. 2003.04.11.2024, proposing new construction of a 2-story-over-garage single-family dwelling. The site is in an RH-1 (Residential, House, One-Family) Use District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Johnny Esquinoni

- He displayed a diagram showing the scale of the adjacent homes.
- The proposed house will have a negative affect on his view.
- With the current arrangement, there is a telephone pole and wires coming to his house. He does not know how the construction will affect these wires.
- The project will also have a negative impact on the property value of his home.

(+) Rodrigo Galimba – Project Sponsor

- The answer to the DR requestor's question is that the construction will not block the view.
- The new house will not extend more than what is allowed.
- The sun rises in the east and the sun travels from east to west. So from 7 to 10 he will receive a lot of sunlight.

(+) Mila Galimba

- This is their long awaited dream house.
- This home is for their family only. She hopes that the Commission will approve their proposal.
- The proposed project will comply with the design requirements of the neighborhood.
- The new construction will improve the neighborhood's visual aspects.

(+) Marcela Galimba

- This home is built for the family and will be only owner occupied.
- There will be bedrooms for the members of the family.
- They are a very close family and that is how their culture is.
- She provided letters of support from their neighbors.

(+) Rodrigo Galimba, Jr.

- He has a family and there is not much space in their home.
- Every time he comes home he wishes that he and his family could have a larger place to live.
- He is so lucky to have a dad to support him.
- He is confused about the "cultural thing" that the DR requestor has mentioned.

(+) Joseph Galimba

- He is so upset about the "cultural thing" accusation from the DR requestor.
- They are just a very close family.
- He hopes that the Commission will approve the project and take their concerns into consideration.

(+) Bolfo Alano – Project Architect

- There will be a deck with a parapet railing on both sides.
- There are some stairs that are an issue because of privacy. He is willing to design he stairs on the other side.
- He is proposing to have a skylight installed.
- Regarding the utility lines, he will deal with those issues with the utility company.

ACTION: Did not take Discretionary Review and approved the project
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd and Feldstein

- 22a. 2003.1012D (F. JONES (415) 558-6477)
168 29th STREET - south side between Dolores Street and San Jose Avenue; Lot 017 in Assessors Block 6617. Mandatory Discretionary Review of Building Permit Application No. 2003.06.04.6254 pursuant to the Planning Commission's policy requiring review of all residential demolitions. The proposal is to demolish an existing 1-story, residential unit with commercial space in an NC-1 (Neighborhood Commercial Cluster) 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve Demolition.
(Continued from Regular Meeting of January 22, 2004)

SPEAKER(S):

Re: Continuance

Eric Christenson

- He was shocked to find out that this item was not on today's calendar.
- He called the case planner regarding the omission and the planner did not give it too much importance.
- Then an agenda addendum was issued two days ago and it is listed as item 22 when it was supposed to be in the beginning of the calendar.
- He agrees to the continuance so long as the item is properly noticed.

Rom Vernalli

- He was just told that he was going to be on the calendar today.
- Even though he just found out about being on today's calendar he is prepared to go forward with the case.

Re: Merits of the Project

(+) Michael Levitt – Project Architect

- The units would range in size from two to three units.
- He showed a map of the surrounding neighborhood.
- He also showed a map of the building to building lot coverage.
- This house will follow the gradual slope of the hill.
- The proposed building façade will be three stories over a ground floor garage with additional living space on the garden level and in back.
- The overall mass of the building has been reduced.
- The design of the building follows the Planning Codes as well as the newly revised Residential Design Guidelines.

(-) Jeremy Paul

- There is no opposition to the demolition nor to replace it with housing.
- There is very little commercial use left on this block.
- The Project Sponsor is making use of the NC designation to build a building that is far out of scale and character.
- The building is on a key lot. This lot has distinct impacts on the surrounding properties.
- The Residential Design Guidelines addresses these types of lots.
- The design that is proposed really accommodates the key lot components.
- A very successful building could be built on this site with a better design.
- There are Residential Design Guideline issues here as well.

(-) Ruth Bender

- She just moved to Noe Valley. She loves the character of the neighborhood and the open space.
- When she looks outside her front door she has sunlight. If this building is approved she will lose this sunlight.

(-) Steban Guevara

- Demolishing and building such a monolith will send the cost of housing out of reach.
- The point here is that people should understand that they need to maintain their homes.
- He is concerned about his garden. It is an extension of his home and needs to have sunlight all the time.
- The proposed project will allow the people who will live in that building to look into his garden, bedroom and dining room.

(-) Eve Maher

- She feels that this project is not in compliance with this neighborhood.
- It will cut out sunlight for many hours.
- None of the neighbors are in favor of this project.
- She has a back yard and this building will block sunlight to her yard.
- The units will not be affordable anyway.
- She is just asking that the building come down one story.

(-) Lauren Bender

- She lived in San Francisco for 11 years and then moved away. Now, because of a new job, she is able to come back to San Francisco.
- This building will really change the character of the five houses that will be impacted.
- This is the first time that she has seen the design of the project.
- She feels that it would be great to replace the building that is currently there but the proposed replacement building is just too large.

(-) David Robb

- He concurs with everything that everyone has said.
- There is only one other building that has four stories, and that building is located on a corner lot.
- He is concerned with the sunlight being diminished.
- The building should just be scaled down.

(-) Eric Christensen

- He has a lot of support for his compromise for this project because it will only have three floors.
- They are asking to move the stair penthouse, reducing the depth of the building.
- The neighborhood has mostly three story houses.

(-) Amy Van der Wyk

- This is very important to her because her children spend time in their sunny back yard.
- Her husband went around the neighborhood to see other key lot homes.
- He estimated an area of the wall that was taken up by windows.
- She would like to see other windows being designed on the other side.
- Going down 30 feet would make a huge difference.

(-) Hussein Safa

- He lives on Dolores Street, right in back of the proposed structure.
- He is grateful that the facade is similar to the neighborhood character.
- He would like the Commission to allow a three story building with a lot less windows.

(-) Maria Cordero

- Because of the height of the proposed structure, she will lose a lot of sunlight to her house.
- The project will also cause mature trees to come down.
- A three story building will be a good compromise.

(-) Bill Caldwell

- He is not directly impacted by this building, but he does not like the precedent that this project is setting.
- The large air well causes an invasion of privacy.
- Originally there were 36 windows on the property line.

(-) Barbara Savitz

- She is concerned that the neighbors will lose their sunlight.
- As a nurse, she is aware of how sunlight and open space can affect people's well being and mental health.

(-) Frederick Jermer

- He is not immediately affected by this building but is concerned about the quality of life that the new building will cause.
- This building will set a precedent in the neighborhood.
- He is not a NIMBY, he just feels that this building is too large.

(+) Lou Blazej

- There are four story building in the neighborhood.
- This project is between Mission and Church streets, which are transit oriented streets.
- This project would be very convenient to public transportation.

(+) Ron Bernale

- He is one of the sponsors and a general contractor.
- When they purchased the property they hired Michael Leavitt. There were several meetings and reviews with the Planning Department. Many times the design was revised.
- He went to members of the community to discuss the project.
- There have been several letters of supports.

(+) Jim Athenrod

- His mom and dad were both raised in Noe Valley and now he owns a real estate business there.
- The project fits the character of the neighborhood and will be a plus.

(+) Alrein (did not state last name)

- He is constantly frustrated with the type of homes that are being built in Noe Valley. This project will be good with the quality of life in the neighborhood.
- He would like to be given the opportunity to purchase housing.
- This will be good quality development.

(+) Dennis Francis

- He purchased this property about a year ago.
- He has had a lot of meetings with the Planning Department as well as the neighbors. There have been a lot of modifications to the project because of these meetings.
- He feels that they have worked very hard to communicate with the neighborhood.
- He asked the Commission to approve the project.

(+) Phillip McCarthy

- He has received a total of 17 letters in support of the project.
- There are a lot of people who are in support of the project.
- He asked that the people in the audience who are in support of the project to raise their hands.

(+) Patrick Stack

- He has looked for property to purchase in Noe Valley. He got terribly frustrated and gave up.
- The more property is available, the more people have choices to purchase.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

- 22b. 2003.1316DD (F. JONES (415) 558-6477)
168 29th STREET - south side of 29th Street between Dolores Street and San Jose Avenue; Lot 017 in Assessors Block 6617. Mandatory Discretionary Review of Building Permit Application No. 2003.06.04.6258 pursuant to the Planning Commission's policy for review of all new residential construction. The new construction is also the subject of a Discretionary Review filed by an adjacent neighbor. The proposal is for the new construction of a four-story, four-unit building in an NC-1 (Neighborhood Commercial Cluster) 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.
 (Continued from Regular Meeting of January 22, 2004)

SPEAKER(S): Same as those listed for Item 22a.

ACTION: Hearing held. Public hearing remains open. Item continued to April 15, 2004 with the following expressed concerns: 1) the building is too tall. They would like to see a three story proposal; 2) would like to see a re-configuration of the windows in the lightwell—there are too many of them; and 3) Commissioner S. Lee felt the building extended too far into the rear.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd and Feldstein

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 11:03 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, April 1, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd and Hughes

EXCUSED: Feldstein

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

DOCUMENTS DEPT.

MAY 12 2004

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Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 18, 2004

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein,
Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:32 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Adam Light; Matt Snyder; Geoffrey Nelson; Michael Smith; Ben Fu; Michael Li; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. EXECUTIVE SESSION RESULTS

PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957, the Planning Commission will meet in closed session to review the performance evaluation of Linda Avery, Planning Commission Secretary.

At the conclusion of the closed session, and pursuant to Section 67.14(a) 10(b) of the San Francisco Administrative Code, the Commission will reconvene in open session and shall by motion and vote elect to:

- a) Disclose no information, or
- b) Disclose information which a majority deems to be in the public interest.

NOTE: This Session was Cancelled.

B. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2002.0914R (D. ARGUMEDO: (415) 558-6284)
675 TOWNSEND STREET - The project is related to Planning Case No. 1998.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement in the Townsend Street right-of-way, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard.
Preliminary Recommendation: Finding the proposal not in conformity with the General Plan.
(Proposed for Continuance to March 25, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to March 25, 2004.
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd
2. (D. ALUMBAUGH/J. RUBIN: (415) 558-6601/558-6310)
CENTRAL WATERFRONT NEIGHBORHOOD PLAN - Informational presentation on the draft Central Waterfront Neighborhood Plan, a part of the Better Neighborhoods Program. The purpose is to present staff's suggested amendments to the draft plan and to clarify the plan's proposals for housing. No action is requested.
(Continued from Regular Meeting of February 19, 2004)
(Proposed for Continuance to April 15, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 15, 2004.
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd
3. 2003.1230C (E. TOPE: (415) 558-6316)
1014 CLEMENT STREET - north side between 11th and 12th Avenues, Lot 019 in Assessor's Block 1422 - Request for Conditional Use Authorization pursuant to Planning Code Section 716.51 to allow a medical service use (Wu's Healing Center) on the second floor in the Inner Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to April 8, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 8, 2004.
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd
4. 2003.1178C (G. CABREROS: (415) 558-6169)
2947 GEARY BOULEVARD - southeast corner of Geary Boulevard and Blake Street in an NC-3 (Moderate-scale Neighborhood Commercial) District and a 40-X Height and Bulk District, Lot 024 in Assessor's Block 1090 - Request for Conditional Use Authorization under Planning Code Section 712.64 to allow automotive sales at the ground floor. The proposal is to dedicate approximately 790 square feet for automotive sales use within the existing business, known as Lock World. No construction is proposed as the use would occur within the existing one-story building.
Preliminary Recommendation: Approval with Conditions

NOTE: Staff has discovered that information used to process this case was mis-represented. An indefinite continuance is requested until the matter is resolved.

SPEAKER(S): None
ACTION: Item Continued Indefinitely
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

C. COMMISSIONERS' QUESTIONS AND MATTERS

5. Consideration of Adoption – Draft minutes from February 5, 19, and 26, 2004.

Minutes of February 19 and 26, 2004

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

Minutes of February 5, 2004:

SPEAKER(S): None
ACTION: Approved with Corrections:
Page 5 – Tom Ammiano's name was misspelled
Page 10 – Cody Robertson's name was misspelled
AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee
ABSENT: Boyd

6. Commission Comments/Questions

Commissioner Feldstein:

Re: Addendum

- She was unclear if the Regular Calendar started at 3:00 p.m. or 1:30 p.m.

Commission Secretary Responded:

- In a 1:00 p.m. meeting on Monday afternoon, it was brought to her attention that two components of item 9—a matter that the Commission would need to consider and take action on—were not included on the original calendar. She could not issue the addendum by 1:30 p.m. to meet the 72 hour notice deadline. Because she could get the addendum out by 3:00 p.m., she put that as the start time. It only means that item 9 can not be heard before 3:00 p.m.

Re: Public Employee Evaluation Session

- Even though this item was cancelled, she would like to have it scheduled on the calendar in the future.

Commissioner Bradford Bell Responded:

- Not all Commissioners need to be present at this level.
- She sent out an email about this.
- Rather than set a full meeting to require at least four Commissioners, right now it is only to gather information and put together the process of how the review will be done for the staff person. Then it will come back to the Commission. She suggested that Commissioner Feldstein might want to work with the staff person at this stage
- Anyone who wants to participate in the process, should.
- She welcomes comments and suggestions from the Commission on going about it any other way as well.

- She asked if Commissioners want to schedule a full Commission meeting. If so, she would have Linda put a meeting together.

Commissioner Feldstein Responded:

- She is only concerned that it is highly irregular that a supervisor of an employee decline to participate in the performance evaluation of that employee.

Commissioner Bradford Bell Responded:

- The information has not been gathered. A performance review has not been done in many years so the documentation the Commission needs really needs to be gathered and updated.

Commissioner Hughes Responded:

- On the criteria of the evaluation, he feels that if it already exists...
- He is fine with having one Commissioner to take over at this point in the evaluation.

Commissioner S. Lee Responded:

- She is fine with not having a full meeting.
- However, she does not want to prolong the process just because a quorum cannot be met.

Commissioner Antonini Responded:

- He feels that one Commissioner can do the information gathering but he would like to be present when the full meeting on the evaluation takes place.

Commission Secretary Responded:

- It was at her request that all seven Commissioners to be part of the process.
- Since it is proving to be very difficult to get all seven Commissioners at one time, she is willing to accept a meeting with less than the seven Commissioners to move this forward.

D. DIRECTOR'S REPORT

7. Director's Announcements

Re: Air Conditioning at 1660 Mission Street

- Real Estate has spent a lot of time trying to fix the problems with the air conditioning.
- He mentions this so that the Commission is aware of the kind of work environment staff has had to endure recently.
- At 30 Van Ness the server has been down. They have finally discovered that the voltage is not adequate. It's not really 220.

Commission Secretary commented:

Re: EIR for Transbay

- The EIR is ready. It only needs a cover letter, an executive summary, and it needs to be transmitted. But all of this cannot happen because the server at 30 Van Ness is not working.
- The documents will be delivered today for distribution to Commissioners. The copies to the public will be available at 1660 Mission Street.

8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –
Land Use Committee

- The Committee heard Formula Retail legislation. The Commission had various concerns but no one else was there for or against it.
- Staff did not make a presentation.

BOA – None

E. REGULAR CALENDAR

PLEASE NOTE THAT ITEMS 9a-f and ITEM 10 FROM THE ORIGINAL REGULAR CALENDAR HAVE BEEN REPLACED WITH ITEMS 9a-h and ITEM 10 FROM THE ADDENDUM. ALSO NOTE THAT THESE ITEMS COULD NOT BE CALLED OR HEARD PRIOR TO 3:00 P.M.

9a. 2003.0584 EKXCMTZLU (A. LIGHT: (415) 558-6254)

690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of CEQA findings and a mitigated negative declaration pursuant to 1) a finding that a net new shadow impact on Union Square Park is not adverse; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an eight-story vertical addition, historic façade restoration, and conversion of an existing office building to a mixed-use project for up to 64 residential dwelling units, up to 73 hotel time-share units, approximately 6,500 square feet of ground level retail space, and a sub grade parking garage (capable of accommodating up to 29 independently-accessible parking spaces and two loading spaces with the capability of accommodating up to 100 vehicles through the use of valet services and vehicle stacking), with exceptions to the Planning Code for the separation of towers requirement, residential open space requirements, publicly-accessible open space requirements, dwelling unit exposure requirements, ground-level wind currents, independently-accessible parking, sunlight access to sidewalks, and an upper tower extension; 3) a Conditional Use application to allow a hotel in the C-3-O (Downtown, Office) Zoning District; 4) a recommendation to the Board of Supervisors for a General Plan amendment to change the height and bulk district of the existing site; 5) a recommendation to the Board of Supervisors for approval of the creation of the Downtown Housing Demonstration Special Use District encompassing and comprised of the subject property and allowing, among other items, exceptions under Section 309 for residential open space requirements, publicly-accessible open space requirements, and dwelling unit exposure; 6) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 243 ~~(to be heard at a subsequent Planning Commission hearing date)~~; and 7) recommendation to the Board of Supervisors for conditional approval of a Mills Act Contract ~~(also to be heard at a subsequent Planning Commission hearing date)~~; all for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. The proposal is to:

- 1) Seismically upgrade the subject 16-story office building (The Old Chronicle Building), which would include infilling a large light well at the rear of the building that is not visible from any public right-of-way;
- 2) Restore the historic building façade by removing a non-historic metal, glass and marble cladding system installed in 1962 and rehabilitating/restoring/reconstructing intact, damaged and missing historic façade features;
- 3) Construct an eight-story vertical addition that will result in a building height of approximately 312 feet, and a Floor Area Ratio (FAR) of approximately 19.68 if the residential floor space were to be counted toward the FAR calculation as currently required by the Planning Code (see item No. 5 below);
- 4) Convert the existing office building use to a mixed-use project that would have at least 40, but up to 64 residential dwelling units, at least 49, but up to 73 hotel time-share units (for a combined total of 113 hotel and residential units), approximately 6,500 square feet of ground level retail space, replacing an existing retail bank, and creating a sub grade

parking structure, that given the irregular floor plate shape and placement of support columns would yield a maximum of 29 independently-accessible parking spaces and two loading spaces on the project site with the capability of providing up to 100 valet and vehicle-stacking spaces in place of the independently-accessible spaces. The new parking facility would be accessed through an existing sub grade garage facility at the adjacent 88 Kearny Street property, thereby not requiring a garage entrance at the ground level of the subject 690 Market Street property;

5) In order to construct the addition; infill the light well; implement the proposed change of use; grant exceptions for residential open space, publicly-accessible open space, and dwelling unit exposure under the procedures of Section 309, a new Special Use District is proposed to change the existing height district to a 285-S Height and Bulk District (the Planning Code allows for a 10% increase in height over the height limit under certain criteria, in this case up to 313.5 feet), eliminate residential uses from Floor Area Ratio calculations, and allow said exceptions under Section 309 instead of requiring variances. The Special Use District would also require a minimum of 15% on-site or 17% off-site Below Market Rate (BMR) units. The Downtown Element of the General Plan must also be amended as it specifies the height and bulk districts as currently designated within the C-3 zoning districts;

6) The Project Sponsor is proposing to meet the Below Market Rate (BMR) housing requirement by constructing the required BMR units off-site at 938 Market Street, a project that is seeking authorization concurrently with the subject application (2003.0587HXVLU);

7) The project sponsors are seeking to avail themselves of the Mills Act, which allows local governments to grant property tax relief benefits in exchange for the guaranteed preservation of a historic property. In order to qualify under the San Francisco Administrative Code, the property must either be designated as a San Francisco Landmark or listed separately on the National Register. As neither condition is the case with the subject property, the project sponsor is seeking conditional San Francisco landmark status. The proposed Landmark Designation would become final upon the completion of the proposed project consistent with the Rehabilitation Program set forth by the proposed Mills Act contract.

Preliminary Recommendation: Adopt CEQA findings and mitigated negative declaration.

(Continued from Regular Meeting of February 19, 2004)

SPEAKER(S):

(+) Charles (Chuck) Blossies – Lead Architect

- This is a real architectural treasure. They have considered it the equivalent of raising the Titanic!

- If the original building is compared with the building with it's first addition, it is actually out of balance.

- They have tried to rectify this out-of-balance condition.

- The height of the building was kind of limited to protect shadows on Union Square and to not over shadow it's adjacent historic building.

- There will be 106 residential units and 49 fractional interest units or hotel units.

- There were a number of endorsement letters submitted as part of the packet for this project.

(+) Jay Turnbull – Page and Turnbull

- This project is of great historic significance because it contributed to the rise of newspaper journalism in the City. It is associates with at least four prominent people: Michael D. Young, Daniel Burnham, John Route and Willis Polk.

- It was the first skyscraper in the West.

- San Francisco's oldest trade union which was organized in the early 50s.

- It survived the 1906 earthquake, although it has been substantially upgraded since then.

- The key characteristic of this building is height.

(+) Mary G. Murphy – Farella, Braun and Martel

- Regarding 942 Market Street, which is the companion piece to the current project:
- This will be the site of the below market housing.
- 942 Market will have 11 below market rate units.
- This project will be treated and is consistent with the Code's constraints regarding Category 1 buildings.
- This building will be converted from office to residential.

(+/-) Francisco Da Costa – Environmental Justice Advocacy

- What the Commission should pay attention to is the quality of life issues.
- He commends the architects for the wonderful work and is pleased to hear the history of these wonderful buildings.
- There should be at least 25 percent of affordable housing on site and not off site.
- Stop building more units and not pay attention to the infrastructure. The sewer system cannot pay the added burden.
- This type of project was not presented to the communities in the southeast sector.

(+) Kate White – Housing Action Coalition

- They took a look at this project and are very excited about it.
- It brings many public benefits: historic rehabilitation work, 19 percent or more will be right in the same neighborhood, the project serves as a model for high density office to residential conversions. With so many office buildings that could be converted, there should be more of these.
- It would be good to have more residential units in downtown San Francisco so that it is not so dead on the weekends.
 - Both the Bicycle Coalition and Transportation for a Livable City endorse this project.

(+) Jim Salinas – Carpenter's Union

- They are very supportive of this project because it has a great deal of historical value.
- There is much needed housing and construction jobs with this project.

ACTION: CEQA Findings Adopted

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

MOTION: 16745

- 9b. 2003.0584EKCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a finding that a net new shadow impact on Union Square Park is not adverse for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.

Preliminary Recommendation: Adopt finding.

(Continued from Regular Meeting of February 19, 2004)

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Approved with the following modifications:

1) On Attachment D, Page 2, the first paragraph begins: *FURTHER RESOLVED, That the Planning Commission approve—the decision concurs with the recommendation of the ...*

2) On Attachment D, Page 2, add a paragraph after the second paragraph that reads: *FURTHER RESOLVED, That 69,540 square foot hours of shadow may be caused by the addition to 690 Market Street to fall upon Union Square and deducted from the 392,663.5 square foot hours made available under Resolution 11915.*

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

MOTION: 16746

- 9c. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a Determination of Compliance under Section 309 of the Planning Code to permit an eight-story vertical addition, historic façade restoration, and conversion of an existing office building to a mixed-use project for up to 64 residential dwelling units, up to 73 hotel time-share units, approximately 6,500 square feet of ground level retail space, and a sub grade parking garage (capable of accommodating up to 29 independently-accessible parking spaces and two loading spaces with the capability of accommodating up to 100 vehicles through the use of valet services and vehicle stacking), with exceptions to the Planning Code for the separation of towers requirement, residential open space requirements, publicly-accessible open space requirements, dwelling unit exposure requirements, ground-level wind currents, independently-accessible parking, sunlight access to sidewalks, and an upper tower extension, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
NOTE: The Proposed project has been revised to include up to 57 residential dwelling units, and up to 72 hotel time-share units in order to create several three-bedroom units and one four bedroom units.

Preliminary Recommendation: Approval of Determination of Compliance with Exceptions Motion with Conditions.

(Continued from Regular Meeting of February 19, 2004)

SPEAKER(S): Same as those listed for Item 9a.

ACTION: *Commission gave approval subject to the granting of a variance for bay windows projecting over the property at 88 Kearny Street.*

Approved with the following modifications:

1) On Attachment E, Page 43, Group 1, add the following:

C. Approval of the proposed bays in air space over the site at 66-88 Kearny Street is contingent upon separate granting of a Variance by the Zoning Administrator.

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

MOTION: 16747

- 9d. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for a Conditional Use application to allow a hotel in the C-3-O (Downtown, Office) Zoning District, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.

Preliminary Recommendation: Approval of Conditional Use Motion with Conditions.

(Continued from Regular Meeting of February 19, 2004)

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Feldstein

ABSENT: Boyd

MOTION: 16748

- 9e. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the

Board of Supervisors a General Plan amendment to change the height and bulk district of the existing site, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.

Preliminary Recommendation: Adoption of Draft Resolution

(Continued from Regular Meeting of February 19, 2004)

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Approved

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

RESOLUTION: 16749

- 9f. 2003.0584EKXCMZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the Board of Supervisors the approval of the creation of the Downtown Housing Demonstration Special Use District encompassing and comprised of the subject property, requiring a Planning Code Text Amendment and Zoning Map Amendment, for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District. See first item under this case number for a project description.
Preliminary Recommendation: Adoption of Draft Resolution
(Continued from Regular Meeting of February 19, 2004)

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Approved

AYES: Antonini, Bradford Bell, Feldstein, Hughes, S. Lee, W. Lee

ABSENT: Boyd

RESOLUTION: 16750

- 9g. 2003.0584EKXCMZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of a resolution recommending to the Board of Supervisors conditional designation of the subject property as San Francisco Landmark No. 243; and adoption of a second resolution finding that a proposed eight-to-thirteen-story addition to the existing building is consistent with the Secretary of the Interior Standards for Rehabilitation of Historic Structures, both for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District.
Preliminary Recommendation: Adoption of both Draft Resolutions with Conditions

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Approved with the following modifications:

1) On Attachment B2, under Conditions of Approval, on the last page should be revised to include a condition to require the Landmark Designation Report contain a section on labor history, to be approved by the Landmarks Preservation Advisory Board.

2) On Attachment B2, under Conditions of Approval, Condition No. 3: ...the Zoning Administration Director of Planning will confer with the Department Staff and the Landmarks Board before making a final written determination that the restoration work described in this resolution is in compliance with the approved rehabilitation program.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

RESOLUTION: 16751 and 16751a.

- 9h. 2003.0584EKXCMTZLU (A. LIGHT: (415) 558-6254)
690 MARKET STREET - north side at northeast corner of Kearny and Geary Streets, Lot 6, in Assessor's Block 311 - Request for adoption of resolution recommending to the Board of Supervisors conditional approval of a Mills Act Historical Property Contract for the subject property, which is in the C-3-O Zoning District and a 250-S Height and Bulk District.
Preliminary Recommendation: Adoption of Draft Resolution

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Feldstein

ABSENT: Boyd

RESOLUTION: 16752

Note: The following changes apply to all the motions or where changes are stated:

1) change in the unit count shall apply to all of the resolutions (from 133 to 106).

2) change of Section 315(a)(2) to 315.3(a)(2) to all the resolutions that apply.

3) All of the Planning Commission hearing dates should be changed from February 19, 2004 to March 18, 2004.

10. 2003.0587HXVLU (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET - north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets (the lot and structure are L-shaped)), Lot 5, in Assessor's Block 341 - Informational hearing on a proposal to convert an existing seven-story office building to approximately 33 dwelling units, add a one-story vertical penthouse addition, designate the building as a San Francisco Landmark, and enter into a Mills Act historical property contract. To build the project, the applicant must request the following: 1) a Permit to Alter under Article 11 for a substantial increase in height to a Category I Building; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an one-story vertical addition, historic façade rehabilitation, and conversion of existing office space to approximately 33 residential dwelling units, with an exception to the Planning Code rear yard requirements; 3) the granting of residential open space, dwelling unit exposure, and parking variances; 4) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 244; and 5) recommendation to the Board of Supervisors for conditional approval of a conditional Mills Act Contract; all for the subject property, which is in the C-3-G Zoning District and a 110-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission when this case is formally heard as proposed for April 22, 2004.

SPEAKER(S): Same as those listed for Item 9a.

ACTION: Informational Presentation Only. No Decision Required by the Commission. Item Continued to April 22, 2004.

PLEASE NOTE THAT ITEMS 11 – 15 WERE TAKEN OUT OF ORDER AND FOLLOWED THE DIRECTOR'S REPORT ON THE 1:30 P.M. CALENDAR.

- 11a. 2000.152CV M. SNYDER: (415) 575-6891
3229-3231 MISSION STREET - east side between Fair Avenue and Virginia Avenue, Lot 44 in Assessor's Block 5615 - Request for Conditional Use authorization to legally establish a second dwelling unit without providing additional parking pursuant to Planning

Code Section 161(j). The subject property is within an NC-3 (Neighborhood Commercial – Moderate Scale) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Harland Hoffman**

- He purchased the building about five years ago. He has been slowly fixing it up.
- His office is located in the front of the building.
- He will be rebuilding the unit and making it larger.
- He will have less than the allowable height.
- He realizes that there is opposition from the neighbor behind him.

(-) **Lewis Epstein**

- He grew up in the house located in the rear of the proposed project.
- He does not object to the project but wishes that he would build in the front and not block an opening where one can see the setting sun.
- He displayed photographs of the houses in question.
- He feels he will be in a pit if this project is approved.

ACTION:

Approved as Amended:

Condition 1: prior to the issuance of the building permit for the project, the Zoning Administrator shall approve and order the recordation of a notice in the official record of the recorder for the City and County of San Francisco for the premises block and lot. Such notice shall state the construction has been authorized by and is subject to the conditions of this motion from time to time after the recordation of such notice. At the request of the project sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this motion have been satisfied.

Condition 2: trash and recycling receptacles shall be stored inside a fully enclosed building except they may be placed outside of such building for pick up and removal of the trash and recyclable materials.

Condition 3: The project site and the improvements shall be maintained in a neat and attractive manner.

Condition 4: The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include at a minimum daily litter pick up and disposal and washing or steam cleaning of the entrance and abutting sidewalks at least once each week.

Condition 5: Any street trees that are required under the Planning Code shall be planted and maintained at the project Site.

Condition 6: Project sponsor shall appoint a community liaison officer to deal with issues of concern to neighbors due to the operations of the project. The name and phone number of this liaison shall be reported to the Zoning Administrator for reference and contact.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
 MOTION: 16741

- 11b. 2000.152CV (M. SNYDER: (415) 575-6891)
3229-3231 MISSION STREET - east side between Fair Avenue and Virginia Avenue, Lot 44 in Assessor's Block 5615 - Request for a rear yard variance to reconstruct the rear stair, construct a stair penthouse, and construct approximately additional two feet of height to a permitted ground floor commercial space, within the rear yard area. The

subject property is within an NC-3 (Neighborhood Commercial – Moderate Scale) District, and a 40-X Height and Bulk District.

SPEAKER(S):

(-) Lewis Epstein

- There is very little light that gets into the yard.
- He displayed a photograph of the yard showing how the buildings surrounding his yard cast shadows on his yard.

(+) Harland Hoffman

- The stairs are casting a shadow.
- If he misstated, he apologizes.
- The old stairs were blocking light going to the adjacent yard to the north.

ACTION: Zoning Administrator Closed the public hearing and granted the Variance

12. 2003.0080C (G. NELSON: (415) 558-6257)
2599 LOMBARD STREET - southeast corner at the intersection of Broderick and Lombard Streets; Lot 016 in Assessor's Block 0938 - Request for Conditional Use authorization pursuant to Section 712.83 of the Planning Code to install four (4) cellular antennas and related equipment cabinets on the roof of the Pacific Motor Inn as part of Verizon's wireless telecommunication network, within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The proposed antennas would be mounted behind an existing parapet and would not be visible from the street below. The related equipment would be housed in a new 16' wide by 17' long by 7' tall mechanical penthouse that would be partially visible from several uphill residences. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the project site is a Preferred Location Preference 4, as it is a commercial building in an NC-3 District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of January 15, 2004)

SPEAKER(S):

(+) Jason Smith – Verizon Wireless

- The project involves four antennas on an existing motel.
- The location is a preference 4 location and is considered a preferred location since there were no locations with a lower number.
- The coverage in the area is extremely poor.
- Current customer use is growing at a significantly large rate.
- The only way to meet the wireless necessities of the area is to install these antennas.
- There would be a screen wall that will be painted the same color as the building where they will be installed.
- Trilingual notices were sent out about this antenna. There were neighborhood meetings and about 20 people attended.
- An attempt was made to install these antennas at the Lucas Film location in the Presidio but there was no interest.
- The applicable site complies with the Planning Code sections as well as the WTS Guidelines.

(-) Mary Irene Zemenek

- She lives behind the building where the proposed antenna is proposed to be installed.
- She is opposed to this installation. She did a study. She made calls from her home and from various locations on the street near the proposed site and had zero dropped calls.

(-) Albert Dong

- He and his family owns 3030 Broderick Street which is located directly above and next to the proposed Verizon site.

- He is also a resident of the building. All of the tenants of this building have signed a petition against this installation.
- Their fears are sincere and he hopes the Commission will take them into consideration.
- The building where the proposed antenna is to be installed is right at the bottom of a steep hill so the antenna is directly across from his apartment.
- He believes that a win-win situation could be achieved if this antenna is installed at the Presidio.

(-) Jan Diamond

- The proposed installation is not a desirable thing for this location.
- There are hundreds of signatures of people who are opposed to the project.
- The Planner only received one call in support of the project.
- She is sure that Verizon will bring some neighbors in to prop up their argument.
- She urged the Commission to find out where the people in support really live.
- She believes that although Verizon is requesting installation for 4 antennas, they really want eight.
- The notices that Verizon sends really looks like junk mail. Many people probably did not read them.

(-) Tony David

- He opposes this application.
- What do opponents need to show for the Commission to disapprove a proposal like this?

(-) Dale F. Bentson

- He lives on Greenwich Street.
- He is concerned about property values and property taxes.
- If the neighbors allow this installation, there will soon be other cell phone carriers who will want to install their antennas in the neighborhood.
- It has been proven already that the neighborhood does not need this since there are not any dropped calls.
- These antennas are not welcome in his neighborhood.

(-) Don Weil

- He lives on Greenwich Street.
- Mark Longwood and he stood in the area where this antenna is proposed and his phone was programmed to receive the signals and determine the strength level and which antennas he was picking up. This took place for an hour and a half and they did not get any dropped calls during that time.
- He disputes the information provided by Verizon stating that there is a need to install antennas.

(-) Jame Weil

- She lives behind the motel and the proposed site.
- There is no proof that there is low cell phone quality.

(-) Barbara Simkin

- She lives on Greenwich Street.
- She opposes this installation.
- It has not been mentioned but Lucas Film will be having a site with 2,500 employees in the next year.
- She cannot believe that Verizon does not have planned the need for these 2, 500 employees. She feels that the antennas should be located at the Lucas Film site.

(-) Richard Rypinkski

- He is a renter so he has no concern for property value.
- It does not take a horticulturist to determine that the trees near the project site are dying.
- He has no small children but understands the concerns of the other neighbors.
- He is concerned with the planning issues because he is a former planning commissioner.

(-) Kathleen David Zemanek

- She is concerned that by approving these antennas, there is no positive balance for the residents of Cow Hollow.
- She did not do such a formal study as the others, but she has several friends that use Verizon and they have excellent service with no dropped calls.

(-) Julia Noy

- She went to the Verizon store and they told her that people have been getting excellent service because of the antenna at Ghirardelli Square.
- She urged the Commission to deny this proposal.

(-) Steven Callow

- There is a flow of inconsistencies with information that has been provided to both the public and the Commission.

(-) Irene Zemanek

- She is the proud grandmother of two children whose bedroom will be directly across from the site where these antennas will be installed. This is the reason she is opposed to this installation.
- She read a letter from a neighbor who is opposed to this proposal.
- She urged the Commission to reject this proposal.

(-) Albert Hom

- He has been appalled at the lack of information provide to the public as well as the inconsistencies.
- This application is therefore flawed.
- He believes that Verizon has been careless and lazy in the preparation of this application.

(-) Elizabeth Traub

- She is a homeowner near the proposed site.
- She has three children.
- She will continue to fight so that these antennas will not be installed.

(-) Jack Grandcolas

- He read a letter from the Cow Hollow Association who is opposed to this installation.

(-) Lori Brooke

- She asked everyone in the hearing room who is against this application to stand.
- She is a cell phone user and is not against progress, but there should be intelligent progress.
- The Presidio is the only location where everyone has been in agreement for the location of these antennas.

(-) Patricia Voughey

- There is no necessity for these antennas.
- These antennas are for proposed use and not for existing use.
- These major corporations are offering them a third of the going rate to go in at a lower deal. This should not happen anywhere in this City.
- This application should be denied because of the principal of it all.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

MOTION: 16742

13. 2003.0829C (M. SMITH: (415) 558-6322)
1151-1153 GENEVA AVENUE - north side of the street between Edinburgh and Naples Streets, Lot 017 in Assessor's Block 6405 - Request for Conditional Use Authorization pursuant to Planning Code Section 161(j) to allow a dwelling unit without parking to be added to an existing mixed-use building, located in a NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Eli Shamia**

- This project will add one residential unit and each will be larger than they are now.
- This area is a high transit area.
- He just wants to enhance the building and the area.

ACTION: Approved as Amended: Condition No. 6, on Page 9, shall be deleted.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16743

14. 2003.0762C (B. FU: (415) 558-6613)
1135 EVANS AVENUE - southwest corner of Evans Avenue and Middle Point Road, Lot 014, Assessor's Block 4602A - Request for Conditional Use authorization under Planning Code Sections 711.83 and 790.80 to install a wireless telecommunications facility consisting of 3 panel antennas and a microwave dish on the existing 69-foot lattice pole and related equipment on the ground as a part of Cingular's wireless telecommunications network within a NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The site is a Location Preference 1 (Preferred Location - publicly-used structures).
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Misako Hill – Cingular Wireless**

- At the first outreach meeting there was one person who attended from the India Basin Neighborhood Association. This person did submitted a letter of support.
- She thanked the planner for such great service.
- This location is the highest in the search ring for this site.
- There is very poor service for Cingular customers in this area.
- The proposed site will improve coverage and service to Cingular customers.

(+) **Francisco Da Costa**

- He was impressed from the previous antenna case.
- The Commission should look for quality of life issues when dealing with these types of cases.
- In this area of the Bay View, there is a need for something like this because there are a lot of emergencies.
- A cell phone could save people's lives.

ACTION: Hearing Held. Item Continued to April 8, 2004. Public Hearing Remains Open. Project sponsor was instructed to provide better maps.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

15. 2002.1084C (M. LI: (415) 558-6396)
321-323 GRANT AVENUE - west side between Bush and Sutter Streets, Lot 003 in Assessor's Block 0286 - Request for conditional use authorization to establish a tourist hotel use within a C-3-R (Downtown Retail) District and an 80-130-F Height and Bulk District. The existing building, the Baldwin Hotel, contains 61 residential hotel rooms, of which 47 are vacant. The proposed project is to convert all 61 residential hotel rooms to tourist hotel rooms. There will be no physical expansion of the existing building.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Joel Yodowitz – Project Sponsor**

- This proposal is to convert the residential units to hotel use.
- No tenants will be displaced by the proposal.
- Each of the existing tenants support the project.
- Three people are here in support but will not speak to save time.

- This project will provide a moderately priced alternative to visitors to the City.
- He requests a change under the Conditions of Approval. Under Paragraph 2, which states that the three year duration of the Conditional Use..., should be modified to read that the three year period would run from the date of issuance of a permit to convert under residential hotel unit conversion and demolition ordinance rather than three years commencing to run from the approval date in the motion because this administrative process will take a year.

ACTION: Approved with Amendments to the Findings as follows: the authorization granted shall be valid for three years after the date of the adoption of this motion and shall become null and void after that time if the required permit to convert has not been obtained.

Page 2 – Finding No. 3, the very last paragraph should add the following language: there is no evidence that the project sponsor made broader efforts to lease the vacant rooms.

Page 3 – Finding No. 5, the third paragraph should reference the documentation of the offers of the lifetime leases.

Page 6 – Finding No. 12, the second paragraph, the second sentence should add the following: ...continuance efforts (the limited in the scope of outreach).... A note should be listed that the vacancy rates are inaccurate and misleading.

Strike the third and fourth paragraph of Finding 12 since staff does not have the capacity to review the economic viability of the projects.

Finding No. 15, a, paragraph 2, the third sentence: ...continuance efforts (the limited in the scope of outreach)...

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
MOTION: 16744

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Mary Murphy – Farella, Braun and Martel

Re: 690 Market Street Project

- She thanked staff for the amazing work they have done.
- The Planning Department has great staff.

Adjournment: 7:46 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE
PLANNING COMMISSION ON THURSDAY, May 6, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Boyd, Hughes, W. Lee
ABSENT: Bradford Bell and S. Lee

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 25, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT

APR 14 2004

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Lisa Feldstein, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: Edgar E. Boyd and Kevin Hughes

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:42 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Paul Maltzer; Bill Wycko; Jonathan Purvis; Tom Wang; Dan DiBartolo; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.1110T (I. WILSON: (415) 558-6163)
REQUIRED SECOND MEANS OF EGRESS - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress; Adoption of an ordinance amending the San Francisco Planning Code by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.
Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.
(Proposed for Continuance to April 22, 2004)
SPEAKER(S): None
ACTION: Without hearing, item continued to April 22, 2004.
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

2. 2003.1164D (M. WOODS: (415) 558-6315)
6725 CALIFORNIA STREET - south side between 29th and 30th Avenues, Lot 47 in Assessor's Block 1404 - Request for Discretionary Review of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.
NOTE: On January 22, 2004, following public testimony, the Commission closed the public hearing. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.
(Proposed for Continuance to April 22, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 22, 2004.
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes
- 3a. 2003.1102D (J. PURVIS: (415) 558-6354)
361 ELSIE STREET - east side south of Cortland Avenue; Lot 023 in Assessor's Block 5676 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.08.08.1577 proposing the demolition of a one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District and within the Bernal Heights Special Use District.
Preliminary Recommendation: Pending.
(Proposed for Continuance to April 15, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 15, 2004.
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes
- 3b. 2003.1103D (J. PURVIS: (415) 558-6354)
361 ELSIE STREET - east side south of Cortland Avenue; Lot 023 in Assessor's Block 5676 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.08.08.1581, proposing the construction of a three-story-over-garage two-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District and within the Bernal Heights Special Use District.
Preliminary Recommendation: Pending.
(Proposed for Continuance to April 15, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to April 15, 2004.
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes
4. 2002.0677D (J. IONIN (415) 558-6309)
679 40TH AVENUE - west side between Balboa and Anza Streets; Lot 020 in Assessor's Block 1583 - Request for Discretionary Review of Building Permit Application No.

9909801, proposing a vertical and horizontal addition to accommodate a second dwelling unit with a second off-street parking space, to an existing single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project.

(Continued from Regular Meeting of January 22, 2004)

(Proposed for Continuance to April 1, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to April 1, 2004.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

5. 2003.1217D (J. IONIN: (415) 558-6309)
342 21ST STREET - east side between Geary and Clement Streets; Lot 033 in Assessor's Block 1452 - Request for Discretionary Review of Permit Application No. 2003.08.07.1409, proposing to add two units to the existing single-family dwelling by constructing new third and fourth floors, and a rear addition in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve as proposed.

(Continued from Regular Meeting of March 11, 2004)

(Proposed for Continuance to May 13, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

6. 2003.0106D (M. WOODS: (415) 558-6315)
1910-12 STEINER STREET - east side between Wilnot and Bush Streets; Lot 018 in Assessor's Block 0659 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.06.16.7169, proposing to merge two dwelling units to a single-family residence in an RH-3 (Residential, House, Three-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.

(Continued from Regular Meeting of February 12, 2003)

(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 27, 2004.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Commission Comments/Questions

Commissioner Bradford Bell:

Re: Eastern Neighborhoods

They received two pieces of correspondence: one from Supervisor Gonzalez regarding the Eastern Neighborhoods and most specifically the NEMIZ Industrial Zone, the other from Jim Meko regarding the boundaries of the South of Market. These questions had been raised by other Commissioners.

- With the feed back that she has received, she feels that it is important to reopen the Eastern Neighborhoods hearing before moving forward.
- She asked the present Commissioners to give her their opinion and then open the hearing again.
- She does not want staff to feel "beat up on" but she would like to meet with staff as soon as possible.

Commissioner Feldstein Responded:

- She feels that there is a need to reopen the hearing on the NEMIZ.
- She would like to see that as soon as possible.
- She requested a copy of any correspondence regarding this item to all Commissioners.

Commissioner Sue Lee:

- She agrees with reopening the hearing to look at this item as a whole.

Re: Personnel Matter:

- She wants to know what progress has been made regarding an employee who is also working for the City of Berkeley.

Commissioner Antonini:

- He also received the letter from Supervisor Gonzalez.
- If the consensus of the Commission is to reopen the hearing, he would be willing to participate. He is not too much in agreement but he would be willing if the Commission agrees to reopen it.
- He has not received the letter from Jim Meko.

C. DIRECTOR'S REPORT**8. Director's Announcements***Re: Housing Element*

- He will provide the Commission with everything that they have regarding this.
- There have been a number of requests for continuance of this item and he is considering this.
- If there needs to be time for further discussion, he wants to allow this to happen.

Re: Mission and South of Market

- He will consult with staff to determine what kind of notice needs to be done, what the calendar looks like, etc.
- Sooner rather than later would be best.
- He will set up meetings with staff and with any of the Commissioners as long as there are no more than three Commissioners at one time.

Re: Personnel Matter

- He realizes that it is a personnel matter.
- He is taking this matter quite seriously and is pursuing it vigorously.

**9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS -****Full Board of Supervisors Hearing of March 23, 2004:**

- He represented staff and the Commission regarding the Formula Retail legislation.
- He expressed to the BOS staff's concerns about our ability to implement the formula retail proposals.
- The BOS was cognizant of staff's concerns. Some of the Supervisors recognized that this might not be a perfect ordinance but the ones that voted in favor of it felt that it

served the purpose of providing notice of formula retail. The Supervisors voted +8-3 (Supervisors Hall, Ma and Alioto-Pier voted against the proposal).

- From a staff point of view, the Supervisors heard our concerns about the work load issue and that Section 312 in many ways was duplicative and would create an extensive work load. Formula retail would overburden staff.
- There will be a meeting this afternoon with Supervisor Gonzalez's staff regarding this.
- There is word that Supervisor Gonzalez will introduce amendments to revoke the pharmacy and coffee shop provisions of Section 312 immediately.

D. REGULAR CALENDAR

10. 1999.0233E (B. WYCKO: (415) 558-5972)

833 - 881 JAMESTOWN AVENUE - Appeal of Preliminary Negative Declaration. The project sponsor proposes construction of a Planned Unit Development (PUD) that would consist of 198 one-, two- and three-bedroom market-rate condominiums on an approximately 6.9-acre lot, located at 833-881 Jamestown Avenue on Assessor's Block 4991, Lot 277, on the northern slope of Bayview Hill. The site is currently used as an overflow parking lot for events at Candlestick Park, which is approximately one-third of a mile southeast of the project site. The site is bordered by Jamestown Avenue (and single-family homes on the north side of Jamestown) to the north, another vacant lot to the east that also is used for parking for major events at Candlestick Park, the hillside to the south, and single-family housing to the west. Although the area proposed for development is mostly flat, development would require excavation of up to approximately 30 vertical feet at the base of the hill. The project would consist of 11 separate three- and four-story buildings: seven buildings of 12 to 18 units each along Jamestown Avenue and four buildings to the rear, at the base of the hillside. Of these latter four structures, two (36 units each) would be built atop one-story gated parking garages, while smaller buildings (one of eight and one of 10 units) would flank the garages. A total of 216 independently accessible parking spaces would be provided. The proposed project would include landscaping along Jamestown Avenue, construction of a 10-foot-wide sidewalk, two off-street freight loading areas, and about 28,900 sq. ft. of common open space, including two rear yards at the base of the hillside totaling about 7,250 sq. ft. and podium- and ground-level patios. The project also would remedy an existing drainage problem on Bayview Hill above the project site, on Recreation and Park Department land. The project site is located within the South Bayshore Plan area, in an RH-2 (Two-Family) Use District and a 40-X Height and Bulk District. As a PUD, the project would require review and approval by the City Planning Commission pursuant to Sections 303 and 304 of the Planning Code.

Preliminary Recommendation: Uphold the Preliminary Negative Declaration
(Continued from Regular Meeting of March 4, 2004)

SPEAKER(S):

(-) **Ralph D. House – Bayview Hill Neighborhood Association**

- This development will have a severe impact on the livability of the area.
- The overall effect of the project will degrade the neighborhood.
- The support of this project comes from an area that already contains public housing.
- In the last ten years many families have moved away from the City.

(+) **Jim Reuben – Representing the Project Sponsor**

- Many of the conditions stated in the Appellants report were already there and will continue to be there.
- The City's entire environmental team is here to answer any questions.
- He displayed a chart showing the EMR sale prices for this project.
- The project will create a number of homeowners. He does not understand how this could be something negative environmentally or for the community.
- This project is considered low density in the South Bayshore Plan.
- The project has been redesigned in the last years.

- He submitted various letters of support.
- It is hard to imagine a more appropriate project for a location that contains just gravel.

(+) Alan Martinez – Project Architect

- He displayed a map of the area and photographs of how the lot looks now.
- The intent of the plan was to design the project as typical San Francisco housing.
- He displayed a rendering showing the architectural aspects of the homes, showing facades and landscaping.

(-) Charles Cleary – Candlestick/Bayview Hill Neighborhood

- Originally, the lot had not been divided into two.
- It has now been divided and zoned into two lots.
- A builder has presented to them 198 units stacked on top of each other without giving any type of density report.
- The negative declaration does not have a traffic study or an estimate of the number of cars.
- How does one know that the impact of a building will be if there has not been a complete environmental report.

(-) Kathleen Cleary

- She spoke in opposition to the project in its present form.
- She is concerned about maintaining the quality of life in their neighborhood.
- She requests that the project be reduced in density and reduce the number of units.

(-) Ellouise Patten – Young Community Developers

- There are several young members that have to get up by 5:00 a.m. to try and find work.
- She had about 20 people stand up from the audience.
- The developer has not tried to establish a contract with the workforce of the area.
- She respects the developer and the contractor. But it is disrespectful that they have not tried to contact the several agencies that provide workforce.

(-) Owen Guan

- He has lived on Jamestown Avenue for many years.
- There is already a traffic problem in the area.
- There are many people who have several cars.
- If the project would be revised to be less dense, many of the residents would be in support. It would be a good idea to make the units with less bedrooms or smaller square footage.

(-) Timothy Simon

- He lives on Jamestown Avenue.
- He has had several people come to his home to meet and deal with the issues.
- One of the issues that is critical to the quality of life for residents is that there have not been enough people to discuss safety.
- There is a need to have member representation at the discussion boards.
- Mr. Murphy has agreed to these principals but has not agreed for purposes of the Commission.
- It is important to go back to the table.
- The data is stale for this project.

(-) Ted Douglas – Bayview Hill Neighborhood Association

- He lives on Jamestown Avenue.
- The first time he moved into the area, he heard gunfire in the neighborhood.
- If there was an emergency situation, it would be difficult for emergency vehicles to get by.
- He would like to see the density come down.

(-) Ralph House

- There have been four PUDs completed in this neighborhood.
- One has to be careful when considering what to build because people are going to be spending a lot of money on the homes.
- The hill is not stable. It would be important for the hill to be stabilized completely before approving this type of project.

(-) Shirley Moore – Candlestick Point/Bayview Heights Committee

- She lives in the area.
- Since March 4, there have been meetings with the developers regarding this massive project.
- A development like this would seriously alter the character of the neighborhood.
- There are already seven hundred approved units ready to be constructed. Only a few have been sold because of the problems of traffic and the issues related to the infrastructure of the community.

(-) Ruth Callas

- She has lived on Jamestown for about 25 years.
- The traffic in the area has slowly gotten worse. A project like this will only create more chaos.
- The area is not really safe at night.
- She does not believe that the area would change with a project like this.

(-) Nancy Stevens

- She has lived on Jamestown Avenue since 1992.
- She is opposed to the Negative Declaration because the area cannot handle any more cars.
- She welcomed everyone to her house on a Sunday during game day. She is trapped in her house on those days.
- This has been going on for several years.
- A project like this would only impact the traffic even more.

(-) Lansgton Slocum – Bay View Hill Neighborhood Associates

- He has been living on that hill for about 50 years.
- There has been very little development for the last 30 years.
- The Commission should hear what the people of Jamestown are asking or saying. People in the area own single-family homes and not high-density unit buildings.
- All the way around there is dirt and he does not believe that people in the area are very concerned about this dirt.

(-) Jay Bradshaw – Carpenter's Union

- There are too many units in the area.
- He feels that the quality of this project will not be good.
- The Carpenter's union is willing to hire many of the Young Community Developers to train them and give them the opportunity to find good quality jobs.

(+) Curtis Senega

- He read a letter from Cederick Jackson who is in support of this project.

(+) Linda Richardson

- They have developed a comprehensive concept plan that actually utilizes high density and open space.
- There cannot be this type of project without a comprehensive plan.
- She supports this project. The Commission's approval should not close the door to the developer.
- It is important to look at the housing needs.

(-) David Lupo – Carpenter's Union

- He is not in support of this project because there are no jobs for the future.
- There is nothing in writing.
- He has not seen any permanent jobs for any of the members of the African American community.
- There has been no attempt to contact the Young Community Developers to provide them an opportunity for jobs.
- There should be an opportunity for apprenticeships.
- He is interested in knowing what the affordability is.

(-) Manuel Flores

- Is this project affordable?
- He does not think so.

(-) Tom Ward – Carpenter's Union

- He joined the Carpenter's Union when he was 17 years old and has gone through their apprenticeship program.
- This project does not provide anything in writing relating to jobs, training, unions, etc.
- This project, this developer, and this contractor do not have any of the programs to help people find skills to succeed in life.

(-) Marco Hernandez – Carpenter's Union

- He is opposed to this project.
- He has not seen this developer higher members from the African American community or Latino community to provide jobs.

(-) Derek L. Toliver – Bayview Hill Neighborhood Association/Candlestick Point

- He is a 22 year resident of the area.
- Right now there are issues of traffic, security, etc.
- Has there been enough study on what would be the affects of this project on the current residents of the area?
- Every day will be game day if this project is approved.
- The parking that will be displaced on game day will intensify an already bad situation.

(+) Ron Miguel

- He is here as Chair of the Housing Action Coalition
- The idea of a mix of single family and multiple family units works.
- There are various public transportation systems there including the Third Street Light Rail.
- Regarding the parking, this issue should be dealt with completely as well.

(+) Kate White – Director of the Housing Action Coalition

- She is very pleased that the 12 percent of affordable units proposed on site.
- The project will be one block from the Third Street Light rail and the project will be finished around the same time as the Light Rail system.
- She appreciates the time that the project sponsor took to discuss issues with the Housing Action Coalition.
- She urges the Commission to support this project.

(-) Holly Ames

- She lives on Jamestown Street.
- She feels that this project should be reduced in size.
- Development in the Bay View is fine if it is a project that fits with the neighborhood.
- It is disconcerting to see that in the Executive Summary the Planning Department has a rebuttal for all of the issues expressed to them.
- This project is about four or five blocks from Third Street and not one block as mentioned by the previous speaker.
- There are several problems in the area and she feels that people will not buy these units too easily.

(+) Espanola Jackson

- She lives three blocks from Jamestown Street.
- Regarding training, people have been trained to death but there are no jobs.
- She believes that her community does not get the same services as other areas.

(+) Deven Richardson

- He read a letter from George Newcott who had to leave early but is in support of the project.

(+) Flavia Krasilchik – Greenbelt Alliance

- Green Belt Alliance supports this project.
- This development contributes to many important roles.
- She commends the project sponsor for including City Car Share parking spots, bicycle stalls and planting various trees along the street.
- Regarding massing, the project has changed several times to address this concern.
- She is an architect and a Planner. She believes that the problems with this project are the 49er's games. Something more should be done about public transportation.

(+) Arelious Walker – Senior Pastor of the True Hope Church in Christ

- In connection with the Housing Authority, they have been able to provide housing for many people.
- He was impressed with the quality of staff from the Planning Department.
- He feels that this project has met all the requirements.
- This is a tremendous project.
- At some point during this project, it would be important to talk about employment.

(-) Kathy Bermingham

- She is a teacher and lives in Petaluma.
- She cannot afford to live in San Francisco.
- This project sounds as if it will be affordable to people like her, allowing us the opportunity to live in San Francisco.
- She understands people's concerns about traffic.

(+) Jesse Baldain – Embassy Realty

- He supports the project since it will provide jobs and housing to the community.
- He understands that the parking is an issue but that should be taken care of.

(+) Bob Lee – Embassy Realty

- He has listened compassionately to all the issues stated by the public.
- He does not know how the Commission will separate the problems with worldly problems.
- This Commission has been outstanding as well as staff but all of the issues mentioned will not be solved by this project.
- He believes that staff has research all of the problems related to this project.
- There is no basis that this project should be delayed.

(+) Coy McAllister

- This project should be implemented.
- This area has not been developed since he was a child.
- Now there is someone who will develop this area sooner or later.
- All the issues have been looked at.
- It is time for this project to move forward.

(-) Rush Sturges – Carpenter's Union

- He has been a member of the Carpenter's Union for 35 years.
- The Carpenter's Union will be building a training center on Illinois Street.
- This project should be constructed with skilled labor.

(-) Betty Krietemeyer – Carpenter's Union

- She is a carpenter's union apprentice.
- She does not have a job currently.
- She does not agree with work done by non union members.
- She encourages the Commission to consider only projects that support union workers.

(+) Sean Kreggran

- This project was initially submitted over 15 years ago.
- Three administrations later there is not one housing unit on this site.
- There is currently a housing problem but the Commission cannot do the work alone.

(+) Mack Burton

- He plans to use people from Young Community Developers.
- He supports this project.
- He built a house recently and used Young Community Developers.
- He has about 50 people who will be working on this project.
- He is happy that he started at the very low end and now is able to bring back to his community.

(+) Redmond Lyons

- He is a contractor and a developer.
- This project involves 6.9 acres of vacant land.
- He lives in the area and goes to Candlestick to see the 49ers, he also goes to Pac Bell Park to see the Giants.

- There is a lot of money invested in the Third Street Light Rail. This line will cover a large area not just one block.
- He hopes that this project will be approved.

(+) Charles Breidenger

- After all the controversy everyone begins to enjoy the projects.
- The Planning Department has people who are experts and know what they are doing.
- This project will help some of the traffic congestions of people driving in and out of San Francisco.
- He resents being slandered by the unions.

(+) Jim Keith

- He supports this project because this City has a severe housing shortage.
- More housing needs to be brought on line.
- When there is a housing complex there [at the proposed site], MUNI will not park on that street.
- There are many issues that are not specific to this project.
- This developer is providing less density than what is allowed.
- This is the right way to develop.

(+) Angus McCarthy

- He is a homeowner and developer of this community.
- It is really encouraging to hear opinions from both sides.
- He is a 49ers fan and feels that the 49ers should be heard to state their opinions as well.
- He feels that the density is not that high.
- He feels that this project should be approved.

(+) Grace Keily

- She supports the 198 units of family housing in an area that needs housing and home ownership.
- The project sponsor has had about 30 neighborhood meetings and has submitted three full revisions on the plans.
- This project has been around for many years.
- These units will have 12 percent of Supervisor Leno's inclusionary housing, which is 24 units of below market rate.

(+) Mike Cassidy

- Regarding the height of the buildings, this project is not the Geneva projects.
- This project could have been larger.
- This project has been around for 15 years. This is a disgrace.

(+) Richie Hart

- He supports this project.
- There is a major housing crisis going on and it is getting worse and worse.
- He urged the Commission to support this project.

(+) Doug Cefali

- He supports the project.
- This project has been on going for 15 years and this tells you why San Francisco's property is so high.
- The process is so difficult.
- The density of this project is very good. It is the right fit for the area.
- The project sponsor has revised this project three times. This tells you a lot about him.

(+) Brian Spiers

- He supports the project.
- He was born and raised in San Francisco.
- The project is at a stage that the density level is down.
- The developer has met all the criteria and this is a positive addition to the neighborhood.

(+) Brett Gladstone

- He has no legal or financial connection with the developer.
- He worked with the developer about 10 years ago.
- The units that this developer has built before have been great.

(+) Leo Cassidy

- He supports this project.
- The developer has been more than accommodating to the neighbor's concerns.
- This project is good for the City and he urged the Commission to approve it.

(+) Bruce Bauman

- This is a housing opportunity site and the City needs housing.
- He has been associated with this project for 15 years.
- This project needs to be approved as soon as possible.
- The 49ers should deal with the parking and traffic issues. Fifteen years ago there were game day issues for both the Giants and the 49ers. Now there are only 11 games to deal with.

(+) Dennis Carlin

- This is a well thought out project.
- The developer has spent a lot of time trying to accommodate the neighbors.
- This neighborhood does need help.
- People want to be homeowners.
- He hopes that the Commission will approve this project.

(+) Joe O'Donaghue

- This project has gone on for too long.
- This Commission has been one of the best. They have been consistent with realizing what the problems are.
- Residential Builders have completed many excellent projects. Many of these projects have been union.
- They are proud to be what they are. He was proud to be a member of the Carpenter's Union when it was really a union.
- This project is a good project and it should not become a victim of their disputes.

(+) Keith Richardson

- The developer lives in the community so he is not coming from another state.
- The developer has also held and attended several community meetings.
- This project would provide him an opportunity to purchase a home.

(-) Shawn Leonard, Carpenter's Union

- She has worked on various projects of the Residential Builders and they have identified some problems.
- The Carpenter's Union has worked long and hard so that all carpenter's make decent wages in decent environments.
- This is the only thing that they are worried about.
- She cannot work with any developer that does not have good working conditions for their workers.

(+) Roger Ryan

- He supports the project.
- The project sponsor has taken out 12 units to reduce the density. This is almost like "shooting yourself in the foot."
- He knows the project sponsor and knows that he will employ locally.
- This area of town is affordable for everyone.
- The project sponsor had 30 meetings with the local residents. He has been more than accommodating.

(+) Dick Millet

- He lives on Potrero Hill.
- He is finding that this project should be a "no brainer." It is a little bit too small. There should be more units there.
- He knows that Bay View is zoned single family but this project is a good contribution to the neighborhood.
- On the waterfront the Commission just approved doubling the height limit of high rise towers and this is not that high or dense.

(+) Elizabeth Moore

- This project is an opportunity and a test. It is an opportunity to implement the smart growth and the sustainable development principals that are repeated over and over in every single document guiding land use policy in this City including the General Plan, the South Bayshore Area Plan and the Planning Code.

- It is a test of whether the analysis and conclusions of legions of experts, months and years of discussions and debate among city policy makers like yourselves, and pages and pages of City policy have all been for nothing. Or, a test of whether the city can put it's money where it's money is and actually act to implement it's excellent planning policies.

(+) Peter McGuire

- He has lived in San Francisco for 18 years.

- This project has been around for many years.

- The project sponsor has had 30 meetings with the residents.

- Due to the delays and changes, the cost of the project has skyrocketed.

(+) Bryan Malone

- He came to San Francisco about 23 years ago.

- This project should be approved because it will allow affordable units to be on the market.

- This is a simple decision. The Commission should just approve this project.

ACTION: Negative Declaration Upheld

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16753

- 11a. 1999.0233EC (J. PURVIS: (415) 558-6354)
833-881 JAMESTOWN AVENUE - south side from Ingalls to Griffith Streets; Lot 277 in Assessor's Block 4991 - Request for adoption of findings under CEQA Code for a Planned Unit Development with up to 198 dwelling units, including one-, two- and three-bedroom units within eleven separate three- and four-story buildings. The project would include up to 216 off-street parking spaces within two garages at the base of two interior residential buildings, and two screened off-street freight loading spaces. The site is 6.9 acres on the northern slope of Bayview Hill and is within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Adopt CEQA findings

SPEAKER(S): Same as those listed for Item 10.

ACTION: Adopted CEQA findings

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16754

- 11b. 1999.0233EC (J. PURVIS: (415) 558-6354)
833-881 JAMESTOWN AVENUE - south side from Ingalls to Griffith Streets; Lot 277 in Assessor's Block 4991 - Request for Conditional Use authorization under Sections 209.1(g), 303 and 304 of the Planning Code for a Planned Unit Development with up to 198 dwelling units, including one-, two- and three-bedroom units within eleven separate three- and four-story buildings. The project would include up to 216 off-street parking spaces within two garages at the base of two interior residential buildings, and two screened off-street freight loading spaces. The site is 6.9 acres on the northern slope of Bayview Hill and is within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of March 4, 2004)

SPEAKER(S): Same as those listed for Item 10.

ACTION: Approved with amended Findings and Conditions:

- 1) On the finding related to the first source hiring program: project sponsor has agreed voluntarily to comply with the first source hiring program.
- 2) On the second sentence of the condition should read as follows: "prior to the issuance of any building permit to construct or a first addendum to the site permit, project sponsor should have a first source hiring construction and employment program approved by the first source hiring administrator and evidence in writing. In the event that the Director of Planning and the first source hiring administrator agree that a later date for the employment program is preferable, they may do so.
- 3) On the condition that requires a contact for the community provided by the project sponsor regarding any issues that come up during construction: the project sponsor shall conduct meetings once a month throughout construction.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16755

- 12a. 2001.1039E!KBMZX (M. LUELLEN: (415-558-6478)
55 NINTH STREET - East side between Mission and Market Streets, Lots 063 and 064 in Assessor's Block 3701 - Request for adoption of findings under CEQA to construct a 12-story office building with approximately 268,000 gross square feet. The new building would be approximately 198 feet tall, including mechanical penthouse, and would have a two-level below grade parking garage with about 126 parking spaces. The Project also includes approximately 25,392 square feet of open space and two loading docks.
 Preliminary Recommendation: Adopt CEQA findings
 (Continued from Regular Meeting of March 4, 2004)

SPEAKER(S):

(+) David Cincotta – Representing the Project Sponsor

- He thanked staff for the three years of assistance to get this project to this stage.

(+) Denise Burian – State Compensation Insurance

- They have been in business for 90 years and in San Francisco for 50 years.
- They have met with their neighbors extensively to address their concerns.
- They are opening their retail spaces at this location.
- They will also have a cafeteria that will be open to the public.

(+) Steve Worthington – HOK Architects

- They are very proud of this project and are happy to have been working with the City and State Compensation Insurance Fund.
- They are remedying some problems with the older building. They are internalizing the major services for large trucks which will enhance the movement of traffic in the Civic Center area.
- The project most importantly has engaged the lead format for sustainable design.
- There will be an enhanced day lighting scheme for workers, excellent air quality, etc.
- He displayed some renderings, models and building material samples.

ACTION: Adopted CEQA findings

AYES: Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Antonini, Boyd and Hughes

MOTION: 16756

- 12b. 2001.1039E!KBMZX (M. LUELLEN: (415-558-6478)
55 NINTH STREET - East side between Mission and Market Streets, Lots 063 and 064 in Assessor's Block 3701 - Request that the Planning Commission adopt a Resolution recommending to the Board of Supervisors to amend Map 5 of the Downtown Area Plan

of the General Plan, for reclassification of the subject property from 120-X to 200-S Height and Bulk District. The project proposes a new building approximately 198 feet tall, including mechanical penthouse, and would have a two-level below grade parking garage with about 126 parking spaces, and up to 268,000 gross square feet of office. The Project also includes approximately 25,392 square feet of remodeled open space.

Preliminary Recommendation: Adopt resolution recommending to the Board of Supervisors to amend Map 5 of the Downtown Area Plan of the General Plan for reclassification of the subject property from 120-X to 200-S Height and Bulk District
(Continued from Regular Meeting of March 4, 2004)

SPEAKER(S): Same as those listed for Item 12a.

ACTION: Approved

AYES: Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Antonini, Boyd and Hughes

RESOLUTION: 16757

- 12c. 2001.1039E!KBMZX (M. LUELLEN: (415-558-6478)
55 NINTH STREET - East side between Mission and Market Streets, Lots 063 and 064 in Assessor's Block 3701 - Request that the Planning Commission adopt a Resolution recommending to the Board of Supervisors as amendment to Zoning Map 7H of the Planning Code for reclassification of the subject property from 120-X to 200-S Height and Bulk District, in connection with the new office building described above.
Preliminary Recommendation: Adopt resolution recommending to the Board of Supervisors to amend Zoning Map 7H of the Planning Code for reclassification of the subject property from 120-X to 200-S Height and Bulk District.
(Continued from Regular Meeting of March 4, 2004)

SPEAKER(S): Same as those listed for Item 12a.

ACTION: Approved

AYES: Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Antonini, Boyd and Hughes

RESOLUTION: 16758

- 12d. 2001.1039E!KBMZX (M. LUELLEN: (415-558-6478)
55 NINTH STREET - East side between Mission and Market Streets, Lots 063 and 064 in Assessor's Block 3701 - Request for approval under Planning Code Section 309 for Determinations of Compliance and Request for Exceptions (including wind, bulk limits, and replacement parking) to construct a 12-story office building with approximately 268,000 gross square feet. The new building would be approximately 198 feet tall, including mechanical penthouse, and would have a two-level below grade parking garage with about 126 parking spaces. The Project also includes approximately 25,392 square feet of open space.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of March 4, 2004)

SPEAKER(S): Same as those listed for Item 12a.

ACTION: Approved with Conditions as Amended:

- 1) Page 25 under conference facility, the sentence should be rewritten to read: "The Project Sponsor shall make the conference facility located on the ground floor of the proposed building available to non profit organizations at a fee to cover the actual cost of using this space when not in use by the project sponsor." This sentence is also located in Section B on the same page.
- 2) If there are repetitive conditions of approval, staff shall make sure that they are in the appropriate motions.

3) Page 23 of the 309 Motion, the condition should read: "the project sponsor shall continue to work with the department on certain aspects of the design including those, but not limited to the items of Part 3 below"

AYES: Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Antonini, Boyd and Hughes
 MOTION: 16759

- 12e. 2001.1039E!KBZMX (M. LUELLEN: (415-558-6478)
55 NINTH STREET - East side between Mission and Market Streets, Lots 063 and 064 in Assessor's Block 3701 - Request for approval under Planning Code Section 321 for Determinations of Compliance to construct a 12-story office approximately 268,000 gross square feet. The new building would be approximately 198 feet tall, including mechanical penthouse, and would have a two-level below grade parking garage with about 126 parking spaces. The Project also includes approximately 25,392 square feet of open space.
 Preliminary Recommendation: Approve annual allocation request.
 (Continued from Regular Meeting of March 4, 2004)
- SPEAKER(S): Same as those listed for Item 12a.
 ACTION: Approved
 AYES: Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Antonini, Boyd and Hughes
 MOTION: 16760
13. 2003.1132D (T. TAM: (415) 558-6325)
1459 24TH AVENUE - west side between Kirkham and Judah Streets, Lot 12 in Assessor's Block 1829 - Request for Discretionary Review for Building Permit Application No. 2003.07.17.9719, proposing to alter a previously approved construction of a new single-family dwelling, specifically to correct the dimension of the adjacent property to the north on the site permit. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.
 (Continued from Regular Meeting of March 11, 2004)
- SPEAKER(S): None
 ACTION: Discretionary Review Withdrawn
14. 2004.0192D (E. TOPE: (415) 558-6316)
593-595 26TH AVENUE - west side between Anza Street and Geary Boulevard; Lot 015C in Assessor's Block 1518 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2003.10.28.8782, proposing to merge two dwelling units to create a single-family dwelling in an RM-1 (Residential, Mixed, Low Density District) and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Disapprove the merger.
- SPEAKER(S): None
 ACTION: Without hearing, item continued to May 6, 2004
 AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Boyd and Hughes
15. 2003.1265D (K. MCGEE: (415) 558-6367)
852 TREAT STREET - west side between 21st and 22nd Streets; Lot 042 in Assessor's Block 3613 - Mandatory Discretionary Review, under the planning Commission's policy

requiring review of dwelling unit mergers, of Permit Application No. 2003.11.13.0091, proposing to merge two legal dwelling units into one legal dwelling unit. The subject property is located in an RH-3 (Residential, House, Three Dwelling Unit District) and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve As Proposed.

SPEAKER(S):

(+) Brett Gladstone – Representing Project Sponsor

- The project sponsor needs about 250 square feet for her art work which is very large in size.
- This is a potentially affordable unit, but the policy of encouraging small affordable units is outweighed by other Commission policies and General Plan policies.
- The rear yard cottage dates back to about 1870, making it one of the oldest in the Mission. This was originally built as a single family home. Many lots in the Mission are still single family residences.
- This proposal is to restore the space to the original historic use. The area not lived in would be for artist space.
- If the project sponsor is allowed to do this merger she will apply for a listing in the California Historical Resources Survey to promote it's long standing historical use.
- The unit in question has been vacant for the last 15 years.

(+) B.J. Frederickson – Project Sponsor

- She is an artist who paints large sets for films and local theatres.
- She and her friend own the property.
- The property was so bad when they purchased it that they were able to purchase it for the land value only.
- There have been tenants living in the space below but she had to evict because the house needed major repairs and the person could not live there during the renovation.
- She never rented the space again because first she intended for her mom to live there but unfortunately she passed away before that could happen. Then she decided not to rent anymore because the previous tenant had complained about late hour noises she made trying to finish her art work.
- She hopes that the Commission will approve this merger so she can continue to produce her art.

(+) Marge Williams

- She read a letter from Jennifer Clinard who is an artist friend and is in support of the merger. B.J. is a fine artist who produces a lot of art work of local theatre companies.
- She also submitted other letters from neighbors who support the merger.

ACTION: Did not take Discretionary Review and approved the Dwelling Unit Merger with the understanding that criteria 2 is neither met nor not met and criteria 4 is not met.

AYES: Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Antonini, Boyd and Hughes

- 16a. 2003.0934D (T. WANG: (415) 558-6335)
505 – 507 KIRKHAM STREET - south side between 9th and 10th Avenues; Lot 045 in Assessor's Block 1855 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2000.01.12.900, proposing to demolish an existing two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

SPEAKER(S):

(+) David Silverman

- He thanked staff for their hard work.

- The new home will have two off-street parking spaces.
- The project would have been approved administratively if the new Discretionary Review policies were in affect.
- There is no opposition to this project.
- The project fully complies with the Residential Design Guidelines.
- The existing building is warped.
- This project will provide much needed family housing.
- There are no exceptional or extraordinary circumstances

ACTION: Did not take Discretionary Review and approved the demolition.
 AYES: Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Antonini, Boyd and Hughes

- 16b. 2003.0545D (T. WANG: (415) 558-6335)
505 – 507 KIRKHAM STREET - south side between 9th and 10th Avenues; Lot 045 in Assessor's Block 1855 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2000.01.12.908, to construct a new two-story over garage, two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S): Same as those listed for Item 16a.
 ACTION: Took Discretionary Review and approved with the following amendments: 1) require a Notice of Special Restrictions to ensure that the building will only be a 2-unit building; 2) staircase should be an open railing staircase; 3) remove one ground floor vanity.
 AYES: Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Antonini, Boyd and Hughes

17. 2002.0914R (D. ARGUMEDO: (415) 558-6284)
675 TOWNSEND STREET, south side between 7th and 8th Streets; Lot 007 in Assessor Block 3799. The project is related to Planning Case No. 198.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard. The subject property (675 Townsend Street) is in an M-2 (Heavy Industrial) District and an 40-X/50-X (Height and Bulk) District.
 Preliminary Recommendation: Find the proposal not in conformity with the General Plan (Continued from Regular Meeting of March 18, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to April 1, 2004
 AYES: Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Antonini, Boyd and Hughes

18. 2003.1284D (D. DIBARTOLO: (415) 558-6291)
1801-1803 STOCKTON STREET - northwest corner of Greenwich and Stockton Streets; Lot 008 in Assessor's Block 0076 - Request for Discretionary Review of Building Permit Application No. 2003.08.19.2503S, proposing to construct a new enclosed stairwell at the north-side building wall. The proposal also includes facade alterations at both the

Greenwich and Stockton Street frontages in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(+) Mimi Molian – Project Sponsor

- The purpose of the addition of the stairwell is to connect approximately 370 square feet of basement space to the unit.
- She wants to accommodate her mother who will be moving in with her.
- There is no sun or light issue involved because the roof of the addition will be below the window sills of her property and her neighbors.
- She did not purchase the property for its aesthetic value.
- Since much of the stucco is being removed, she thought it would be an opportunity to add another finish to the exterior of the building.
- She met with the Telegraph Hill Dwellers and they ensured her that they were not going to contest the project. Since then they have changed their mind.

(-) Robert Smiley – Robert Smiley Associates - Representing Discretionary Review Requestor

- The DR requestor is concerned about egress and life safety.
- There is an exit that should not be blocked according to code.
- He requested that the roof line be sloped or add some type of parapet.
- Regarding the drain in front of the stairwell, he would like to be ensured that it will be moved and the concrete all around be re-done to make sure that there is no water leakage or damage.

(-) Gerry Crowley – Telegraph Hill Dwellers

- There is a letter from the telegraph Hill Dwellers Association that expresses their concern about the changes in the facade of the proposed project.
- If the proposed exterior is permitted it will stand out like a "sore thumb."
- The type of finish and quality of the building materials must be compatible with those used in the surrounding area.
- When using this type of material, close inspections should be required to make sure they will be applied to the building correctly.
- It is best to use the same materials.

ACTION: Did not take Discretionary Review and approved the project.

AYES: Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Antonini, Boyd and Hughes

19. 2003.1235D (D. DIBARTOLO: (415) 558-6291)
2760 DIVISADERO STREET - southeast corner of Divisadero and Green Street: Lot 020 in Assessor's Block 0953 - Request for Discretionary Review of Building Permit Application No. 2003.05.02.3712, proposing to: (1) construct a new two car garage at the Green Street frontage; (2) expand an existing second-floor sunroom by enclosing an existing rear deck, and; (3) install a clear glass wind screen at the perimeter of the third floor front deck in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(-) Jim Lazarus

- He requested from the Commission take Discretionary Review because the project will cause light, air and view impacts on the DR requestor's home.

- There was previous construction on the subject property but through negotiations and compromises, both owners were able to deal with the issues.
- This addition will be unsightly and will be difficult to view.
- He urged the Commission to take Discretionary Review and require that the rebuild of the sunroom in the rear not exceed the current footprint of the sunroom and the windscreen in the front not be constructed west of the westerly side of the existing chimney.

(+) Elizabeth Funk, Project Sponsor

- The first concern that her neighbors have is the windscreen. The windscreen they want would make the deck much safer for their toddler and it would protect them from the San Francisco wind. The windscreen will be made out of a glass type material so it will not block her neighbor's view. It is also made out of a self cleaning glass, which is more expensive, but this way it will minimize their view issues.
- The addition we are proposing will have less of an impact than other additions that have been built in the neighborhood.
- The second aspect is the rear sunroom at the back of the house. There is an already existing deck which was enclosed many years ago. They are proposing to finish enclosing the deck. The enclosure would be glass and because it is on the north it would not block sunlight to the neighbors.
- This particular area is not particularly significant. They are proposing to do something a little more significant to maintain aesthetics.

(+) Carol Potts

- She read a letter from a neighbor who is in support of this project but could not attend the hearing.

ACTION: Motion to not take Discretionary Review and approved the project.
 AYES: Bradford Bell, Feldstein and S. Lee
 NAYES: W. Lee
 ABSENT: Antonini, Boyd and Hughes
 RESULT: Motion Failed – There was no substitute motion. Without Commission action, the item was approved as submitted.

- 20a. 2004.0063D (G. CABREROS: (415) 558-6169)
141 WILLARD NORTH STREET - west side between Turk Street and Golden Gate Avenue; Lot 005 in Assessor's Block 1142 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.05.22.5283, proposing to demolish an existing two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove demolition.

SPEAKER(S): None
 ACTION: Without hearing, item continued to May 6, 2004.
 AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Boyd and Hughes

- 20b. 2004.0064D (G. CABREROS: (415) 558-6169)
141 WILLARD NORTH STREET - west side between Turk Street and Golden Gate Avenue; Lot 005 in Assessor's Block 1142 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolitions, of Building Permit Application No. 2003.05.22.5280, proposing to construct a new four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove the application.

SPEAKER(S): None
ACTION: Without hearing, item continued to May 6, 2004.
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 7:46 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, April 8, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
EXCUSED: Boyd and Hughes

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

DOCUMENTS DEPT.

MAY 12 2004

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 8, 2004

SAN FRANCISCO
PUBLIC LIBRARY

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:35 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Steve Shotland; Ben Fu; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.1285D (T. TAM: (415) 558-6325)
3340 BAKER STREET - east side between North Point and Bay Streets, Lot 25 in Assessor's Block 0923 - Request for Discretionary Review for Building Permit Application No. 2003.08.04.1168s, proposing to construct a new three-story rear horizontal extension with a new roof deck on top to an existing three-story, single-family dwelling. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed
(Proposed for Continuance to June 3, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

- 2a. 2003.1214D (S. VELLVE: (415) 558-6263)
120 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 039 in Assessor's Block 5894 - Mandatory Discretionary Review, pursuant to the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application 2002.11.22.2105, proposing to demolish a single-family dwelling in a RH-1 (House, One-Family) Zoning District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to May 13, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to May 13, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
- 2b. 2003.1215D (S. VELLVE: (415) 558-6263)
120 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 039 in Assessor's Block 5894 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application 2002.11.22.2107, proposing to construct a two-story over ground/garage, single-family dwelling in a RH-1 (House, One-Family) Zoning District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.
(Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to May 13, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to May 13, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
- 2c. 2003.1216D (S. VELLVE: (415) 558-6263)
122 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 040 in Assessor's Block 5894 - Staff initiated and public Request for Discretionary Review of Building Permit Application 2002.11.22.2101, to construct a new two-story over ground/garage, single-family dwelling located in an RH-1 (House, One-Family) District, and a 40-X Height/Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

(Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to May 13, 2004)
- SPEAKER(S): None
ACTION: Without hearing, item continued to May 13, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee
3. 2004.0151D (M. WOODS: (415) 558-6315)
2250 JACKSON STREET - north side between Buchanan and Webster Streets; Lot 008 in Assessor's Block 0589 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.07.07.8857S, proposing to merge five dwellings units to a single-family residence in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.
Preliminary Recommendation: Pending

(Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to June 10, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 10, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

4. 2000.465E (R. COOPER: (415) 558-5974)
HOUSING ELEMENT OF THE SAN FRANCISCO GENERAL PLAN - Appeal of the Preliminary Negative Declaration for the proposed revision of the Housing Element of the *San Francisco General Plan*, which is an update of the 1990 Residence Element of the *San Francisco General Plan*. The Housing Element is a public policy document that comprehensively addresses issues of housing needs for San Francisco residents and households. Included in the Housing Element is San Francisco population, employment and housing data analysis. Eight new policies are proposed to be added to the 63 policies and 11 objectives that have been modified or retained from the 1990 Residence Element.

Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Continued from Regular Meeting of April 1, 2004)
(Proposed for Continuance to ~~April 22, 2004~~ May 13, 2004)

SPEAKER(S):
Re: Continuance

Greg Hylton

- He requested that this case be heard separately from the Housing Element.

Beverly J. McCallister

- It is very important that the Commission deal with the Housing Element separate from the Negative Declaration.

- She and various neighborhood groups are very concerned and want the public to be able to speak on each of the items.

Patricia Voughey

- She would like to have the Housing Element be separate from the Negative Declaration.

- She approves of a continuance.

Adena Rosmarin

- She agrees that both the Housing Element and the Negative Declaration should be separate. This would give the public an opportunity to speak on each item.

ACTION: Without hearing, item continued to May 13, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

5. 2003.0873D (G. CABREROS: (415) 558-6169)
2524-2540 ANZA STREET - north side between 16th and 17th Avenues; Lot 023 in Assessor's Block 1528 - Request for Discretionary Review of Building Permit Application No. 2002.12.10.3209, proposing to add a new fourth floor to the existing three-story, four-unit building in an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve
(Continued from Regular Meeting of February 26, 2004)
(Proposed for Indefinite Continuance)

SPEAKER(S): None
ACTION: Item continued indefinitely.
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Consideration of Adoption – Draft Minutes of March 4 and 25, 2004.

Minutes of March 4, 2004:

SPEAKER(S): None

ACTION: Approved as Corrected: Commission President, Shelley Bradford Bell was not in attendance for that hearing.

AYES: Antonini, Boyd, Feldstein, Hughes, S. Lee, W. Lee

EXCUSED: Bradford Bell

Minutes of March 24, 2004:

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Feldstein, Hughes, S. Lee, W. Lee

EXCUSED: Boyd and Hughes

7. Commission Comments/Questions

Commissioner Feldstein:

Re: Welcomed a full Commission.

Re: 40th Avenue

- The Commission has received letters regarding this case asking for clarification of the decision the Commission made. She does not know what the procedure is.

Acting Director Responded:

- When the Commission takes an action and imposes conditions, this becomes like the Planning Code. It is the Zoning Administrator's responsibility to determine and interpret the Planning Code or the conditions imposed by the Commission. If staff has a question from the maker of the motion, they will ask either informally or formally for clarification.

Re: Housing Element

- She feels that the Housing Element should be heard as a separate item from the environmental review document.
- She feels this is the better way to proceed.

Re: Search for Planning Director

- She has found out that the Mayor's Office has begun a search for a Planning Director.
- The Charter is clear that a Mayor shall appoint someone from a list of three candidates that is provided by the Commission. That has not happened.
- She is concerned that the Mayor's office will move forward without the required input from the Commission.
- She asked that the Mayor's office start a process with the Commission and that this topic be scheduled as soon as possible to discuss what the Commission would like to do.

Commissioner Antonini:

Re: Search for Planning Director.

- He agrees with Commissioner Feldstein and would like to participate in choosing those three names.

Re: Housing Element

- It is imperative that differences regarding this item be resolved.
- The nature of the Housing Element itself will have an impact on the environmental [concerns].

Commissioner William Lee:*Re: Presentation from the Entertainment Commission*

- Many of the permits issued by the Entertainment Commission will have an impact on Planning Commission cases.
- He requested a presentation from Bob Davis who is the Executive Director of the Entertainment Commission.

Commission Secretary:*Re: Various Presentations*

- 1) Neighborhoods Parks Council scheduled for April 15, 2004.
- 2) AIA/SPUR scheduled for May 20, 2004 (tentative).
- 3) Arts Commission scheduled for May 27, 2004 (tentative).

C. DIRECTOR'S REPORT**8. Director's Announcements***Re: Department's Supplemental before the Finance Committee*

- This has been presented to the Board by the Mayor's Office for approximately \$6 million which includes money for salaries for the rest of the year and money for the Eastern Neighborhoods Environmental Review.
- This is tentatively scheduled for April 21, 2004.

Re: Vacation

- He will be on vacation next week.

**9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS – None****BOA – None****D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED**

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

None**E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**

10. 2002.0914R (D. ARGUMEDO/S. SHOTLAND: (415) 558-6308/558-6284) 675 TOWNSEND STREET. south side between 7th and 8th Streets; Lot 007 in Assessor Block 3799. The project is related to Planning Case No. 1998.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard. The subject property (675 Townsend Street) is in an M-2 (Heavy Industrial) District and a 40-X/50-X (Height and Bulk) District.
Preliminary Recommendation: Find the proposal not in conformity with the General Plan (Continued from Regular Meeting of March 25, 2004)

NOTE: On April 1, 2004, following public testimony, the Commission closed public hearing. The Commission entertained a motion to find this project not to be in conformity with General Plan by a vote +3 -2. Commissioners Antonini and Bradford-Bell voted no. Commissioners Boyd and Hughes were absent. The motion failed. The matter was continued to April 8, 2004 by a vote +5 -0 to allow the absent commissioners to participate in the final action. Commissioners Boyd and Hughes were absent.

SPEAKER(S): None

ACTION: Intent to Approve and request staff and project sponsor to explore the following: 1) moving the stairwell, 2) use pillars for public signage, or the building, instead of the sidewalk, 3) recess the doorway so that it doesn't project into the arcade; 4) determine if fire hydrants are required mid block; 5) are doors next to the adjacent building required to be closed all day; 6) staff to craft any additional conditions that the Commission did not consider that should be incorporated. Final Language: April 22, 2004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

NAYES: Feldstein

F. REGULAR CALENDAR

11. 2003.0762C (B. FU: (415) 558-6613)
1135 EVANS AVENUE - southwest corner at Middle Point Road, Lot 014, Assessor's Block 4602A - Request for Conditional Use authorization under Planning Code Sections 711.83 and 790.80 to install a wireless telecommunications facility consisting of 3 panel antennas and a microwave dish on the existing 69-foot lattice pole and related equipment on the ground as a part of Cingular's wireless telecommunications network within a NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The site is a Location Preference 1 (Preferred Location - publicly-used structures). Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of March 18, 2004)

SPEAKER(S):

John Newman – Cingular Wireless

- He regrets any inconvenience caused to the Commission at the previous hearing.
- The RF calculation is 3.16 percent of the allowable standard.
- There is a need to provide service to the Hunter's Point community.
- He hopes that with this revised and improved information, the Commission will approve this project.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16765

12. 2003.1230C (E. TOPE: (415) 558-6316)
1014 CLEMENT STREET - north side between 11th and 12th Avenues, Lot 019 in Assessor's Block 1422 - Request for Conditional Use Authorization pursuant to Planning Code Section 716.51 to allow a medical service use (Wu's Healing Center) on the second floor of a three story building in the Inner Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of March 18, 2004)

SPEAKER(S):

(+) **Alec Bash**

- He asked members of the public who are in support of the project to rise (about 15 people did).
- He is prepared to present all of the merits of the case but he is not aware of any opposition.
- He is available for any questions.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16766

13. 2003.1254D (E. TOPE: (415) 558-6316)
170 ST. GERMAIN AVENUE - north side at Glenbrook Avenue; Lot 009 in Block 2708 - Request for Discretionary Review of Building Permit Application No. 2003.07.31.0905, proposing to construct a one story horizontal and a one story vertical addition to an existing two story over basement single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
 (Continued from Regular Meeting of March 4, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 6, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

14. 2003.1261D (D. DIBARTOLO: (415) 558-6291)
2245 FILBERT STREET - south side between Fillmore and Steiner Streets; Lot 033 in Assessor's Block 0534 - Request for Discretionary Review of Building Permit Application No. 2003.05.28.5693, proposing to expand the existing third floor and demolish the existing rear stairs and construct new rear stairs with decks to serve all three floors of the two-unit building located in an RH-2 (Residential, Two-Family) District and a 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

SPEAKER(S):

(-) **Patrick Lew – Discretionary Review Requestor**

- The proposed project will impact the amount of light to his mother's house.
- His mother could not come to the hearing because of health reasons.
- He and his mother have known the project sponsor for many years and have never had any problems with them.

(+) **Alan Martinez – Project Architect**

- The addition is going to be fairly attractive.
- The project sponsor has offered to install a skylight at the Discretionary Review requestor's home.
- The proposed suggestion from staff to remove a wall would not really help the view.
- He offered to install a window on the north side of the house or build a skylight.

(+) **Gordon Tom – Project Sponsor**

- He is expanding the building-his family consists of four and he would like to accommodate his ailing parents.
- He has tried to work with his neighbors to try to please them in different ways.
- He hopes that the Commission will look with favor of their project.

(+) Mary Tom

- She resides in the subject building.
- They have tried to offer the bigger window and/or the skylight to the Discretionary Review requestor to allow light to their property.
- She hopes that the Commission will approve the project as submitted.

ACTION: Did not take Discretionary Review and Approved the Project.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

15. 2004.0174D

(D. JONES: (415) 558-6477)

2 ORD COURT - south side between States and Douglass Streets; Lot 077 in Assessors Block 2619 - Discretionary Review request, for a building permit (No. 2003/07/11/9238) to allow the construction of a second-story, vertical addition to an existing one-story, single-family dwelling. The property is located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the building permit as submitted.

SPEAKER(S):**(-) Claire Pilcher – Attorney for Discretionary Review Requestor**

- The Discretionary Review requestor has a Masters degree in architecture so knows what is doable.
- She recommends that the Commission take discretionary review.

(-) David Cannon

- He lives on State Street.
- He is asking the Commission to approve a compromise since the proposed project will block light to his small yard.
- The project will damage the value and visibility of his property.
- He displayed photographs of all the sunshine that he receives onto his property in the mornings.
- He does not oppose his neighbor building a second story but there are ways to mitigate the negative impact.
- He has collected 29 letters from his neighbors who are in support of his alternative design.

(-) Christopher Hack

- He lives on Ord Court.
- Many of his immediate neighbors are becoming quite alarmed at all the development in the area.
- He feels strongly that the proposed project is not right for the neighborhood.
- All this development is causing a lot of historic homes to be removed.

(+) Alice Barkley

- She displayed a floor plan and explained why the proposed addition is very modest.
- She displayed an aerial map of the homes that are in support and in opposition of the project.
- She submitted a letter to the Commission containing photographs of the light well taken every hour to show the sunlight and shadows.
- There are no exceptional circumstances with this project.

(+) Denise Kessler

- She lives on State Street, which is immediately adjoining the Discretionary Review requestor.
- She shares her property line with the subject property.
- She has been living at this address for over 30 years.
- The project sponsors have been very considerate to her and she knows that they have given a lot of thought to this expansion. She knows that they have taken a lot of time to take into account the neighbor's needs.

ACTION: Did not take Discretionary Review and Approved the Project.
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

16. 2004.0193D (M. LUELLEN: (415) 558-6478
120-122 ALTA STREET - north side at Montgomery Street. Lot 041 in Assessor's Block 0105. Mandatory Discretionary Review for Building Permit Application No. 2003.03.14.9831 proposing to legalize a dwelling unit merger from 2 units to 1 unit, in an RH-3 (House, Three Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(+) Glare Halsing

- He displayed a floor map of the street level of the home.
- He purchased the property with the intent to renovate the street level part.
- The property was built as two units but he cannot find any documentation about this.
- He displayed photographs of the rooms in the house to show the narrowness of the rooms.

(+) Nan Roth

- She and her husband live two houses away from the subject project and own the property between them.
- She is appearing here today to ask that in exchange of the pending approval by the Commission of the merger, that a problem is remedied that has made it impossible for her and her husband to maintain their property in it's current vacant state and to replace the housing that was destroyed by fire in 1988.
- In exchange for granting the merger, the owners agree to record to title the granting of permanent access through that portion of Alta Street right-of-way within the boundaries of Lot 41 to the adjoining property owner of 124 Alta Street (Lot 37) in order to carry out maintenance and repair to that property. In the event that the owners of 124 Alta are issued a fully approved permit to construct housing on 124 Alta Street, the owners of 120-122 Alta Street will permit access for construction and following completion will grant access thereafter to the owners commensurate with that enjoyed by the owners of 116-122 Alta Street.

ACTION: Did not take Discretionary Review and Approved the Project.
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Alice Barkley

Re: Assignment of Staff Members for Environmental Review Matters

- Right now it is taking three months just to assign a staff member for an environmental review assignment.
- It is not possible to get a scoping study for a transportation analysis until staff is assigned. Meanwhile the clock is ticking on the streamlining act. It is becoming a huge problem that has to be solved.

Adjournment: 4:24 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, May 6, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 1, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

MAY 28 2004

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COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein,
Sue Lee, William L. Lee

COMMISSIONERS ABSENT: Kevin Hughes

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:37 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning
Administrator; Steve Shotland; Jonas Ionin; Kate McGee; Ben Fu; Dan DiBartolo; Nora Priego –
Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1a. 2003.0904D

(J. MILLER: (415) 558-6344)

937 - 939 JACKSON STREET - south side between Powell and Mason; Lot 028 in Assessor's Block 0191 - Mandatory Discretionary Review of Building Permit Application No. 2003.07.24.0318 proposing the demolition of a two-family dwelling and its replacement with a new building containing nine dwelling units. The subject property is located in an RM-3 (Mixed Residential, Medium Density) District and a 65-A Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and approve the demolition permit.

(Continued from Regular Meeting of February 26, 2004)

(Proposed for Continuance to April 22, 2004)

SPEAKER(S):

Re: Continuance

Sue Hestor

- This case should be heard on April 22, 2004. The hearing should start at 1:30 then adjourn the meeting for the joint meeting and then reconvene to hear the Housing Element.
- The Housing Element will take a long time and this will cause Jackson Street to not be heard.
- It is important to clean out the calendar for April 22, 2004.

Jim Reuben

- He has been representing the developer for a while.
- There has already been a lot of delay.
- He hopes that the Commission will keep this case to April 22, 2004.
- He knows that there is a document stating that the neighbors have reached a settlement. He does not believe that there will be a lot of people to come on that day.

ACTION: Without hearing, item continued to April 22, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

- 1b. 2003.0535EDV (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET - south side between Powell and Mason Streets, Lot 028 in Assessor's Block 0191, in an RM-3 (Mixed Residential, Medium Density) District and a 65-A Height and Bulk District - Request for Discretionary Review of Permit Application 2003.05.20.5122 to construct a new four-story, nine-unit residential building approximately 40 feet in height.
Preliminary recommendation: Take Discretionary Review and approve the permit with conditions.
(Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to April 22, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to April 22, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

2. 2003.0304E (J. NAVARRETE: (415) 558-5975)
829 FOLSOM STREET - New Construction of 69 Residential Units: **Appeal of Preliminary Negative Declaration** The proposed project is new construction of 69 residential units in a nine-story, 80-foot tall, approximately 92,900 gross square-foot building covering a 10,313 square-foot site. A public parking lot currently occupies the project site, which would be demolished. About 63 parking spaces would be located in a basement-parking garage with parking entrances/exits on Shipley Street. There would be about 5,000 sq. ft. of ground floor retail space on Folsom Street. Pedestrian access would be on Shipley and Folsom Streets. The proposed project would require Conditional Use authorization for the project's proposed height above 40 feet. The project site is lot 91 in Assessor's Block 3752, on the south side of Folsom Street with street frontage also on Shipley Street, between Fourth and Fifth Street, within a South of Market Residential/Service District (SOM RSD) and a 40-X/85-B Height and Bulk District.
Preliminary Recommendation: Uphold the Negative Declaration
(Proposed for Continuance to April 22, 2004)

SPEAKER(S):

Re: Continuance

Steve Atkinson

- He asked that you keep the Housing Element on April 22 as well as this project.
- He would like to have at least a chance to have this case heard.
- If for some reason it cannot, then he would ask that this case be continued to May 13, 2004.

ACTION: Without hearing, item continued to April 22, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

- 3a. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET – south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752. Request for Conditional Use authorization under Planning Code Sections 157, 207.5, 263.11, and 271 to construct an 85-foot-tall, nine-story building exceeding bulk limits, for a mixed-use development with up to 70 dwelling units, up to 5,000 gross square feet of ground floor retail commercial space, and a 62-space parking garage exceeding accessory amounts. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street.
Preliminary Recommendation: Pending
(Proposed for Continuance to April 22, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 22, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

- 3b. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752. The proposal is to construct a mixed-use development with up to 70 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. Variances are sought from the bay window projection limitations of Section 136(c)(2)(B) and from dwelling unit exposure requirements of Section 140(a)(2). The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.
(Proposed for Continuance to April 22, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to April 22, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

4. 2003.0741D (T. TAM: (415) 558-6325)
580 OAK PARK DRIVE - end of Oak Park Drive, a cul-de-sac, 450 feet from the corner of Devonshire Way and Oak Park Drive, located in the Forest Knolls Neighborhood, in a residential enclave sandwiched between Mount Sutro and the Laguna Honda Reservoir, Lot 30 in Assessor's Block 2676 - Request for Discretionary Review for Building Permit Application No. 2002.12.04.2261, proposing to construct a new three-story-over-garage, single-family dwelling in an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of March 11, 2004)

Note: On March 11, 2004, the Commission heard a staff report and received public testimony. Following the Commission's deliberation, they continued this matter to April 1, 2004, instructing the project sponsor to meet with neighbors and directed the Director of Planning to report back to them on the soil conditions.
(Proposed for Continuance to April 22, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to April 22, 2004
 AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Boyd and Hughes

5. 2000.465E (R. COOPER: (415) 558-5974)
HOUSING ELEMENT OF THE SAN FRANCISCO GENERAL PLAN - Appeal of the Preliminary Negative Declaration for the proposed revision of the Housing Element of the *San Francisco General Plan*, which is an update of the 1990 Residence Element of the *San Francisco General Plan*. The Housing Element is a public policy document that comprehensively addresses issues of housing needs for San Francisco residents and households. Included in the Housing Element is San Francisco population, employment and housing data analysis. Eight new policies are proposed to be added to the 63 policies and 11 objectives that have been modified or retained from the 1990 Residence Element.
 Preliminary Recommendation: Uphold Preliminary Negative Declaration
 (Continued from Regular Meeting of February 26, 2004)
(Proposed for Continuance to April 22, 2004) April 8, 2004

SPEAKER(S):
Re: Continuance

John Bardis – Inner Sunset Action Committee (Appellant)

- There was a meeting of the 15 appellants last night. At the meeting there was a resolution adopted regarding the appeal.
- There has been a suggestion about holding a hearing simultaneously on the appeal of the Negative Declaration and the merits of the Housing Element. He feels that this is kind of an abuse of the public because the public sometimes has to speak on both items in three minutes.

Marilyn Amini

- When something is scheduled on the Housing Element, the Commission should schedule the hearing in a larger chamber and at a special time.
- The public file on this item is not complete.
- Commissioners might not have as much information as has been submitted.
- Most neighborhoods were not involved in the process of developing the Housing Element.

ACTION: Without hearing, item continued to April 8, 2004, under Items Proposed for Continuance, with instructions to staff to find out from the Redevelopment Agency how continuance of this matter beyond 4/22/04 could or would impact projects under their jurisdiction.
 AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Boyd and Hughes

- 6a. 2003.1181KCB (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for a General Plan Referral to determine if the construction of a wireless telecommunications facility for Cingular Wireless on the 5th & Mission Garage is consistent with the objectives and policies of the General Plan.
 Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan.
 (Continued from Regular Meeting of March 4, 2004)
(Proposed for Continuance to May 6, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 6, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

- 6b. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for conditional use authorization to install a wireless telecommunications facility for Cingular Wireless consisting of one antenna and two equipment cabinets on the 5th & Mission Garage. The antenna will be façade-mounted against an existing elevator penthouse on the roof of the garage and the equipment cabinets will be located adjacent to the same penthouse. The project site is within a P (Public Use) District and a 90-X/340-I Height and Bulk District. The proposed facility meets Location Preference 1 of the WTS Facilities Siting Guidelines.
Preliminary Recommendation: Approval with conditions
(Continued from Regular Meeting of March 4, 2004)
(Proposed for Continuance to May 6, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 6, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

7. 2003.1047C (M. SNYDER: (415) 575-6891)
3372-3378 MISSION STREET (aka 3350 MISSION STREET) - dba "Safeway" west side between 29th Street and 30th Street, Lot 55 in Assessor's Block 6635 – Request for Conditional Use authorization under Planning Code Section 712.83 and 790.80 to install a total of six panel antennas and associated equipment cabinets, as a part of a wireless transmission network operated by Cingular Wireless. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 40-X Height and Bulk District. Pursuant to the WTS Facilities Guidelines, the project is a Preference 4 Location Site, a wholly commercial building.
Preliminary Recommendation: Approval with conditions
(Proposed for Continuance to May 6, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 6, 2004
AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
ABSENT: Boyd and Hughes

B. COMMISSIONERS' QUESTIONS AND MATTERS

8. Consideration of Adoption – Draft Minutes of March 11, 2004

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
ABSENT: Boyd and Hughes
EXCUSED: Feldstein

9. Commission Comments/Questions

Commissioner Sue Lee:

Re: 8 Washington Street

- She understands that the Board of Supervisors heard this case. She is interested in knowing what happened.

Commissioner Antonini:*Re: Article in the Examiner*

- He read an article in the Examiner regarding 8 Washington Street.
- He was concerned because the article published wrong information.
- He contacted the writer about this.

Re: California Department of Economic Development and the United States Department of Labor

- There are some statistics that show that the work force has fallen from 433 thousand in 2001 to 400 thousand in 2004. There has been a steady drop.
- The information shows that the higher percentage of unemployed people were the ones that have lost their jobs vs those who have been previously unemployed.
- It is important to have this knowledge when making decisions on these cases.

Commissioner Bradford Bell:

- She asked Commission Secretary the status of presentations from different entities and/or departments.

Commission Secretary Responded:

- Neighborhood Parks is scheduled for April 15.
- SPUR and AIA she is working on.
- Arts Commission she does not have a date yet.
- She will provide the dates for these presentations next week.

C. DIRECTOR'S REPORT**10. Director's Announcements****None****11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –****Land Use Committee***Re: 690 Market Street*

- This was the rezoning and other issues. They passed this item to the full Board.

Re: Work Program for Next Year

- This will go to the full Board after it goes to the Mayor along with any changes.
- The Land Use Committee understood the constraints that the Department operates under and the need to increase resources in terms of Long Range Planning and Environmental Review.

Full Board of Supervisors*Re: Formula Retail*

- The Board passed this item on the second reading.
- He has been working very closely with Supervisor Gonzalez on Section 312.

Re: 8 Washington Street

- He understands the Commission's concerns about this item.
- Both the project sponsor and the Department were under the impression that the three parcels were under the jurisdiction of the Planning Department. It turns out that two of the northern parcels are under the jurisdiction of the Redevelopment Agency. He blames this confusion on miscommunication.
- The Board of Supervisors had a number of options. They could have continued the matter to allow the Redevelopment Agency Commission to hear this on April 20 and then the Full Board on April 27; or

- The Board could have approved the project and upheld the negative declaration pending the actions from the Redevelopment Commission; or
- The Board could and did decide to reject the Negative Declaration. He argued that while the Negative Declaration did not describe the process totally correctly it did not make the Negative Declaration flawed because the Environmental Impacts of the project would not have changed.
- The Board found the Negative Declaration not complete. This needs to be prepared again changing the procedural process. More importantly it would have to go to the Redevelopment Agency and the Planning Commission again.

Re: Demolition Ordinance of 20 Units or More

- The Mayor vetoed this and the Board was not able to override it. The veto stands.

Sue Hestor

Re: 8 Washington Street

- The dispute was not merely about process it was about substance.
- The Commission did not have the proper set of plans when the Commission took action on this case.
- There was a huge conflict between the Negative Declaration and the reality of the project.
- The building was proposed to be built on two lots. The Negative Declaration, the staff report and the Conditional Use resolution were all substantively wrong but not procedurally wrong.
- This is an issue that should not have come to this point.
- The public and the Commission have the right to expect planners to check plans.

D. REGULAR CALENDAR

12. 2002.0914R (D. ARGUMEDO (S. Shotland: 558-6308): (415) 558-6284) 675 TOWNSEND STREET, south side between 7th and 8th Streets; Lot 007 in Assessor Block 3799. The project is related to Planning Case No. 1998.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard. The subject property (675 Townsend Street) is in an M-2 (Heavy Industrial) District and an 40-X/50-X (Height and Bulk) District.

Preliminary Recommendation: Find the proposal not in conformity with the General Plan (Continued from Regular Meeting of March 25, 2004)

SPEAKER(S):

(+) Jim Reuben – Representing Project Sponsor

- The case was approved for 138 units a few years ago. A significant amount of structural work was done already.
- In every case in the City, the sidewalk is a public right-of-way.
- The rails are in the public's right-of-way.
- The City gave the rails the right to be in the public's right-of-way.
- They went to Union Pacific and paid about \$45,000 or so to own the right of way. Later he learned that Cal Train was not willing to negotiate.
- He started to move the wall back further from the curb. This is extremely expensive because this would involve very much needed retail space.
- Now the Department is asking him to move the wall to the way it was before.
- The architect and the owner will not build anymore.

(+) John Carney

- He lives on Potrero Hill and he drives by this project site every day.
- If there is a fire and the sidewalk is reduced, there will be a disaster.
- He supports what staff is recommending.
- There is going to have to be more engineering and more piling but this project cannot continue as it is.

(+) Sue Hestor

- She supports what staff is recommending.
- As the Commission is doing project-by-project approvals, there won't be the ability to have comprehensive rezoning.
- There is an incredible amount of construction going on in this area.
- Townsend Street has become a big mess.
- A new residential area and this is starting with substandard sidewalks? This is not acceptable.
- There should be an acceptable means of public circulation.

MOTION: Found that the Proposal is not in Conformity with the General Plan
 AYES: Feldstein, S. Lee, W. Lee
 NAYES: Antonini and Bradford Bell
 ABSENT: Boyd and Hughes
 RESULT: Motion Failed

ACTION: Item Continued to April 8, 2004 to allow the absent commissioners to participate in the final action. Public Hearing is Closed.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee
 ABSENT: Boyd and Hughes

13. 2002.0677D (J. IONIN (415) 558-6309)
679 40TH AVENUE - west side between Balboa and Anza Streets; Lot 020 in Assessor's Block 1583 - Request for Discretionary Review of Building Permit Application No. 9909801, proposing a vertical and horizontal addition to accommodate a second dwelling unit with a second off-street parking space, to an existing single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.
 (Continued from Regular Meeting of March 25, 2004)

SPEAKER(S):**(-) Steve Williams – Representing Discretionary Review Requestor**

- He hopes that the Commission had time to read his brief.
- This is about the worst case of "permit shopping" that he has ever seen.
- This project has been delayed more than five years, not because of the Planning Department or the Discretionary Review Requestor, but because the Project Sponsor refused to do what the Planning Department and the Director had requested.
- It is important to enforce the original plans, which had been approved by three previous planners and the Planning Director, and reject this current proposal.

(-) Jim Salinas

- He is here because he supports [the DR requestor].
- It has not changed or modified [the structure] in 40 years.
- He went to Mr. O'Neil's home and looked at the year yard. Mr. O'Neil has created a beautiful garden, which has been very well maintained.
- He asked the Commission to take Discretionary Review and go back to what two previous Planners and what Director Gerald Green had approved to modify.

(-) John O'Neil

- He is the Discretionary Review requestor.
- If this project is approved as it stands, there are going to be disasters at his home.

- If the proposed project goes through, he will have darkness in various rooms.
- His house is going to be ruined.
- About two years ago he went to a community board and they only asked to take out two windows.
- He hopes that the Commission does the right thing and makes modifications.

(-) Sean O'Neil

- His father is the Discretionary Review requestor.
- He and his father went around to 20 neighbors who were not in support of the project.
- He is concerned with the scale of the proposed project because of the scale.
- The garden located at his father's house is very important. Because of his age, he spends a lot of time there.
- His father's good neighbor gestures have been rejected. This is causing a lot of stress to his father.

(-) David Silverman

- He is not for or against the project but would like to speak against the attacks on planners. This is personally offensive to him.

(-) Lisa O'Neil

- She is the daughter of the Discretionary Review requestor.
- She grew up in this house and has always enjoyed the relationship her father and mother have had with the neighbors.
- She hopes that the Commission will realize the monstrosity being proposed.

(-) Hiroshi Fukuda

- The Richmond District has fought against such large developments.
- The Richmond District is not anti-growth either.
- He urged the Commission to take Discretionary Review and pass the proposals previously presented.

(-) Patrick Mulligan

- This is very much irresponsible development.
- It is his understanding that certain areas of the City have been rezoned to accommodate denser populations.
- He would also like to question the planning procedures that have gone on with this proposal.

(+) Min Winchelhaus-Hsu – Project Sponsor

- Is there something called "permit shopping?" She has never heard of this.
- This is the first time that she met Mr. Jonas Ionin, who is the planner.
- She has been discriminated against and harassed by the Discretionary Review requestor's lawyer.
- The objectives of this proposal is to increase living space, to place on the market one rental unit, etc.
- This project is her American dream.
- She has done a very thorough analysis, which she has presented to the planner.

(+) John Sing – Project Architect

- He has been working on this project since 1999.
- He displayed a photograph of the Discretionary Review requestor's yard, displaying that the proposed project will not have an impact on this yard.
- He displayed photographs of the rear of the DR requestor's and the Project Sponsor's property proving that there will not be a shadow impact on the homes.

ACTION: Took Discretionary Review and Approved the Project with the following modifications: 1) remove attic storage area; 2) install matching light well, per staff recommendation; 3) reduce rear addition by 6 feet; 4) remove entire bathroom at the garage level; 5) allow an open railing for rear addition deck.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

14.

(J.IONIN: (415) 558-6309)

DISCRETIONARY REVIEW POLICY - Consideration of two options for a "Simple vs Complex" Discretionary Review Policy and creating a Pre-Application process for new construction and certain alterations in RH and RM districts.

Preliminary Recommendation: Adoption of Option 1.

NOTE: On February 19, 2004, a proposal to amend the Planning Code Text to establish an Administrative Discretionary Review Policy failed. At that hearing, the Commission directed the Department to explore criteria for Simple Discretionary Review vs. Complex Discretionary Review. The Commission scheduled the review of this proposal for April 1, 2004.

SPEAKER(S):

Re: Continuance

Marilyn Amini

- She would like to have this item continued since this is a complex project and not many neighborhood groups have had an opportunity to review it.
- There have been submitted continuance letters from community groups.
- The pre-application process should be severed from the entire policy.

Francisco Centurion

- He supports a continuance because the report just came out last Thursday and he has not had time to present this to the Board of Directors of the Russian Hill Association.

Penelope Clark

- She found that there was very little notice about this to the public.
- There are many people who are interested in the details of this policy.
- There are many non-conforming lots in San Francisco and there are many unusual projects that come before them. There is need for time to deal with these projects.
- This policy should not be moved ahead until the entire process has been analyzed.

Paul Wermer

- He would also agree to a continuance.
- He would actually like to have department staff meet with neighborhood groups as Ms. Fung from staff has done on the economic aspects of the policy.
- This would allow the public to deal with the issues and concerns they have.

Hiroshi Fukuda

- He agrees with a continuance of this item.
- Last Tuesday he was fortunate enough to go to Boston and when he came back, he was surprised to see this item on the calendar.
- Because of the importance of this item, the public needs time to look this over and review it.
- The pre-application process should be separated from the Administrative Review part of the policy.

John Slazenger

- With the window of opportunity provided by the 40 days of continuance, staff should come up with a document of implementation. This would actually save time.

John Bardis

- He supports the idea of a continuance.
- There is need for time to review and for neighborhood organizations to have time for discussion.

ACTION: Without hearing, item continued to May 20, 2004. Public Comment remains Open in order to look at the various components like pre-application; simple vs. complex; etc.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

15. 2003.0167C (K. McGEE: (415) 558-6367)
42-44 SHOTWELL STREET - west side between 14th and 15th Streets; Assessor's Block 3549, Lot 056 - Request for Conditional Use Authorization to expand a residential use in an M-1 (Light Industrial) Zoning District and in a 50-X Height and Bulk District per Planning Code Section 215(a). The proposal is to construct a four-story addition at the rear of the existing 3-story, two unit building.
 Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) Mohamed Hussein

- He is not blocking anyone's view because all the extensions of the homes in the neighborhood are large.
- He hopes that the Commission will approve this project.

ACTION: Approved with the following amendment: Conditions of Approval should be acted on within three years.

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16761

- 16a. 2002.1198CV (B. FU: (415) 558-6613)
3184 MISSION STREET - northern intersection of Mission and Valencia Streets, Lot 015 in Assessor's Block 6574 - Request for Conditional Use authorization under Planning Code Sections 712.11 and 121.1, to allow the development of a lot greater than 10,000 square feet in a NC-3 (Moderate-Scale Neighborhood Commercial) District with a 40-X Height and Bulk designation. The proposal is to demolish the existing single story restaurant structure and construct a new four-story, 40-foot tall structure that would contain up to 20 dwelling units, 20 off-street parking spaces, and approximately 4,800 square feet of commercial space. The project also includes a request to allow modification of the rear yard requirement in Neighborhood Commercial Districts, pursuant to Planning Code Section 134(e), which will be considered concurrently by the Zoning Administrator.
 Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) David Silverman – Representing Project Sponsor

- He acknowledged Ben Fu for the hard work on this project.
- There were letters submitted to the Commission related to this project stating that there are windows of egress. However, the photographs that he displayed showed bars on these windows--so they cannot be a means of egress.
- A second means of egress is not even required on the property.
- Most apartment buildings do not have either lot-line windows or setbacks.
- The Planning Code requires that non-conforming structures and non-conforming uses be phased out completely.

(-) Ron Morgan – Bernal Heights Neighborhood Center

- They have been involved in a community planning process for the last two years.
- They have great concerns regarding this project.
- He read a letter from a neighbor who requested a condition if this project is approved that would protect light and air.

(+) Drake Gardner – Sponser Group – Project Architect

- He displayed a photograph of how the project looks now and how it is proposed.
- The proposed design is supported by the neighborhood.
- They are willing to accept compromises.

(-) David Levy

- The Dabel's have owned the property since the 1850s.

- This project would block all seven of the property line windows on the Dabel's side.
- The Planning Code is where it states that this project cannot be approved because it violates Section 134.
- The bars on the windows can be opened from the inside so they are a form of egress.
- The Dabel's have tried many ways to negotiate.

(+) William Dabel

- His grandfather purchased the property in 1907. He hopes that the Commission will not block these windows.

(+) Greg Dabel

- He grew up in the building and his only concern is that the residents don't want to lose their light and air.
- He supports the project because he thinks it is a good project.
- One of the residents is 101 years old. All of the residents are minorities but he is able to communicate with them. They all say that they don't want the windows closed so that there is light and air to the apartments.

(+) Jamie Ross

- She represents the North West Bernal Alliance
- They believe that this is a great project.
- Right after the plans were revised, there was a breakdown in communication.
- They do support the project yet urge the project sponsor to get back to the Bernal Alliance and discuss the differences.

ACTION: Approve the Project with the following Conditions: 1) install an adjacent, minimum (4x12 in size) light well to allow the two subject windows (labeled bedroom egress on the photographs) to allow light; 2) 8 full size and 12 compact parking spaces

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16762

- 16b. 2002.1198CV B. FU: (415) 558-6613
3184 MISSION STREET – northern intersection of Mission and Valencia Streets, Lot 015 in Assessor's Block 6574 - Request for a rear yard Modification, pursuant to Planning Code Section 134(e), which will be considered by the Zoning Administrator, in a NC-3 (Moderate-Scale Neighborhood Commercial) District with a 40-X Height and Bulk designation. A rear yard of a minimum of 25 percent rear yard depth at each residential level is required. The proposal provides no rear yard setback for the 20 proposed dwelling units. However, an inner court of 11 percent of lot area, or 1,400 square feet, and other private and common decks of 14 percent, or 1,700 square feet, are proposed.

SPEAKER(S): Same as those listed for Item 16a.

ACTION: Zoning Administrator closed the public hearing and has taken the item under advisement.

17. 2003.1091C (D. DiBARTOLO: (415) 558-6291)
2696 GEARY BOULEVARD - northeast corner at Emerson Street; Lot 004 in Assessor's Block 1071 - Request for conditional use authorization pursuant to Section 712.83 of the Planning Code to install and operate a wireless telecommunication facility for Nextel Communications within an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and an 80-D Height and Bulk District, upon the roof of an approximately 84-foot tall self-storage building (Public Storage Inc.). Per the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting Guidelines the site is a Preferred Location Preference 2, a co-location site.
 Preliminary Recommendation: Approval with conditions
 (Continued from Regular Meeting of March 4, 2004)

SPEAKER(S):

(+) Bill Stevens – Representing Nextel Communications

- He displayed photographs of the proposed location showing where the antennas will be located.
- There will be visual impact from the antennas.
- This storage building is a Location 2 preference site, which is an ideal site.

ACTION: Approved

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16763

18. 2003.1231C (D. DiBARTOLO: (415) 558-6291)
1342 IRVING STREET - north side between 14th and 15th Avenues; Lot 018A in Assessor's Block 1736: Request for Conditional Use authorization under Planning Code Section 730.44 to add a Small-Self Service Restaurant within an existing Retail Grocery Store in the Inner Sunset Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. The proposal is to add an approximately 455 square foot self-service restaurant within the existing one-story approximately 2,650 square foot grocery store ("Quality Foods").
Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) Lenny Cobin – Project Sponsor

- For the past two years, his customers have requested a place to sit and eat since they prepare food at his deli.
- He has submitted letters from neighbors who support this project.

ACTION: Approve

AYES: Antonini, Bradford Bell, Feldstein, S. Lee, W. Lee

ABSENT: Boyd and Hughes

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Jeffrey Heller – Heller Manus Architects*Re: 8 Washington Street*

- Supervisor Aaron Peskin said that he was convinced that there was no inappropriate behavior by anybody and that it was a technical problem.

- The issue at hand was that if the Redevelopment Agency Commission wanted to hear it, it would be a minor and a technical concern involving the pool deck which is the other property and is also separated by a construction joint. It does not involve nor do they have jurisdiction over the building.

Adjournment: 6:45 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, May 6, 2004.

SPEAKERS: Speakers
ACTION: Approved
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
EXCUSED: Hughes
ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

DOCUMENTS DEPT.

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 15, 2004

MAY 28 2004

SAN FRANCISCO
PUBLIC LIBRARY

1:30 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Sue Lee,
William L. Lee

COMMISSIONERS ABSENT: Lisa Feldstein and Kevin Hughes

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT p.m.

STAFF IN ATTENDANCE: Craig Nikitas – Acting Director and Acting Zoning Administrator; Amit Ghosh;
Rick Crawford; Ann Marie Rodgers; David Alumbaugh; Joshua Switzky; Jasper Rubin, Dario Jones;
Glenn Cabrerros; Dan DiBartolo; Matt Snyder; Elaine Tope; Nora Priego – Transcription Secretary; Linda
Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2003.1015E (N. TURRELL: (415) 558-5994)
1905 MISSION STREET - Assessor's Block 3553, Lots 27, 28, 29, and 30 - **Appeal of a Preliminary Mitigated Negative Declaration.** The proposed project involves the construction of an approximately 34,369-gross-square-foot (gsf), 24-unit, five-story, residential building, which would contain about 26,900 gsf of residential use, 2,600 gsf of retail use, and 5,000-gsf of garage with 24 parking spaces. The proposed project would also include the demolition of three existing commercial buildings. Two of these buildings with a total square footage of 4,431 gsf are located at 1911 Mission Street. The third building, consisting of 1,320 square feet is located at 1581 15th Street. The approximately 8,670-square-foot project site is located at the southeast corner of Mission and 15th Streets in the Mission District. The site is in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and is in an 80-B height and bulk district.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Proposed for Continuance to May 13, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 13, 2004.
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
ABSENT: Boyd, Feldstein and Hughes

2. 2004.0164D (W. HASTIE: (415) 558-6381)
571-573 MISSOURI STREET - east side between 20th and Sierra Streets; Lot 28 in Block 4101 - Request for Discretionary Review of Building Permit Application No. 2003.09.19.5267, proposing to construct a horizontal and vertical addition to an existing two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve the Project as Proposed.
(Proposed for Continuance to May 20, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 20, 2004.
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
ABSENT: Boyd, Feldstein and Hughes

- 3a. 2003.1061D (J. PURVIS: (415) 558-6354)
133 ST. MARY'S AVENUE - south side, west of Mission Street; Lot 031 in Assessor's Block 6722 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.07.22.0097 proposing the demolition of a fire-damaged one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
(Proposed for Continuance to May 20, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 20, 2004.
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
ABSENT: Boyd, Feldstein and Hughes

- 3b. 2004.0104D (J. PURVIS: (415) 558-6354)
133 ST. MARY'S AVENUE - south side, west of Mission Street; Lot 031 in Assessor's Block 6722 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.07.22.0093 proposing the construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District
Preliminary Recommendation: Do not take Discretionary Review and approve the project.
(Proposed for Continuance to May 20, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 20, 2004.
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
ABSENT: Boyd, Feldstein and Hughes

- 4a. 2003.1102D (J. PURVIS: (415) 558-6354)
361 ELSIE STREET - east side south of Cortland Avenue; Lot 023 in Assessor's Block

5676 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.08.08.1577 proposing the demolition of a one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District and within the Bernal Heights Special Use District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Demolition (Continued from Regular Meeting of March 25, 2004)

(Proposed for Continuance to May 20, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 20, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd, Feldstein and Hughes

- 4b. 2003.1103D (J. PURVIS: (415) 558-6354)
361 ELSIE STREET - east side south of Cortland Avenue; Lot 023 in Assessor's Block 5676 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.08.08.1581, proposing the construction of a three-story-over-garage two-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District and within the Bernal Heights Special Use District.
Preliminary Recommendation: Do not take Discretionary Review and Approve Project.
(Continued from Regular Meeting of March 25, 2004)
(Proposed for Continuance to May 20, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 20, 2004

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd, Feldstein and Hughes

5. 2003.0724C (M. WOODS: (415) 558-6315)
1287-89 11TH AVENUE - west side between Irving Street and Lincoln Way; Lot 19, in Assessor's Block 1739 - Request for Conditional Use authorization under Sections 303 and 730.39 of the Planning Code to demolish two residential units on the second and third floors of a building on an approximately 2,400 square-foot lot in the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk Districts. The proposed project would demolish the existing two-story over garage, two-family building and construct a new three-story over three-car garage building containing three dwelling units.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of February 19, 2004)
(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 27, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd, Feldstein and Hughes

- 6a. 2003.0746D (G. NELSON (415) 558-6257)
1234 19th AVENUE - east side between Lincoln Way and Irving Street; lot 038 in Assessor's Block 1732 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.06.10.8643, proposing to demolish a two-story single-family

dwelling in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition.
(Proposed for Continuance to May 27, 2004) June 3, 2004

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd, Feldstein and Hughes

- 6b. 2003.0091D (G. NELSON (415) 558-6257)
1234 19th AVENUE – east side between Lincoln Way and Irving Street; lot 038 in Assessor's Block 1732 – Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2002.06.10.8646, proposing to construct a four-story, three-family residential structure with three off-street parking spaces in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the application with modifications.

(Proposed for Continuance to May 27, 2004) June 3, 2004

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd, Feldstein and Hughes

7. 2004.0180D (G. CABREROS: (415) 558-6169)
3364 WASHINGTON STREET - north side between Walnut Street and Presidio Avenue, Lot 011B in Assessor's Block 0984 - Request for Discretionary Review of Building Permit Application No. 2003.11.10.9871 proposing front facade alterations and a three-story rear horizontal addition to an existing three-story, single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

(Proposed for Continuance to June 10, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 10, 2004.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd, Feldstein and Hughes

B. COMMISSIONERS' QUESTIONS AND MATTERS

8. Commission Comments/Questions

Commission Secretary:

Re: Planning Commission Meetings in May

- She announced that all hearings in May are closed.

- She requested that as the Commission considers cases today, and if there is a need to continue cases, please keep that in mind.

Commissioner W. Lee:

Re: Housing Element

- The Housing Element will have a major impact on the City regarding parking and traffic.

- He requested that we invite staff from the Parking and Traffic Department to discuss and answer questions that may impact the Housing Element under their jurisdiction: the number of registered trucks and cars in the City; the estimated number of people that actually drive from outside of the City into the City; the number of street parking in the City; the number of City owned parking lots and the number of available parking spaces in those parking lots.
- He would also like to know if density is increased regarding housing on major transit routes? What would be their sense of traffic congestion?
- There is a report in the Chronicle about inclusionary policy in the City and the Bay Area.
- He requested that staff review this report and report back to the Commission within a month.

Commissioner Antonini:

Re: Article in the Chronicle regarding "Suburbs in the City"

- This article described the areas of Ingleside Terrace and Jordan Park and how these areas where the first to build homes with a little more space in between them and were the lots are larger.
- Homes in St. Francis Woods, Sea Cliff, etc were modeled after them.
- The interesting thing about this is that when the Commission looks at housing alternatives, they should also consider this type of housing.
- Many people look to move out of San Francisco because there is a demand for these large houses.

Commissioner Sue Lee:

- A member of the public brought to her attention that there was a published notice announcing a hearing for the Housing Element on April 29. As far as she knows, the Commission does not meet on that day because it is a fifth Thursday.
- She is wondering how something like this could have happened. What are the steps to make sure that this is corrected?

Amit Ghosh – Department Staff responded:

- Commissioner Lee is absolutely right. The Department put an add in the newspaper as a place holder to see if it was possible to hold a hearing.
- They placed the add just to make sure that they could cover the contingency if the Commission decided to hold the hearing but they had a back up plan--they will have an ad published announcing that the date would be moved to May 13, 2004.

Commissioner Bradford Bell:

- She is concerned that there is money being wasted here. Something [this] could have been done right the first time if there had been better communication.

Commissioner Antonini:

- What is considered an official notice and what is the amount of time to be compliant?

Acting Director Nikitas responded:

- The ads need to run 20 days prior to the hearing.
- By noon of Wednesday, approximately 30 days before the Saturday ad runs, staff needs to email to Los Angeles where the ads are set.
- The ads typically run in the Independent. But with items like the Housing Element, where there is a high degree of public interest, staff also publishes ads in other newspapers.

ADDENDUM ITEM:

- 8a. Presentation from the Office of the City Attorney on the procedures for hiring and releasing the Director of Planning.

Judy Boyajian, Deputy City Attorney

- The purpose of this presentation is to continue the discussions about the legal requirements for the appointment of a Planning Director which began about a year ago.
- The City Attorney recently published a public memorandum concerning the summary of the legal requirements which have been posted on our website.
- The legal rules that apply to the appointment of a Planning Director and the role of the Commission and the Mayor are the same rules that apply to any other department head or Commission. The Mayor appoints the director of the department from a list of several names provided to him/her by the Commission.
- This is a shared responsibility. Neither the Mayor nor the Commission can appoint a director on their own. Neither can act without the other and neither needs to wait for the other. The Commission can proceed with a search or a discussion about an appointment and the Mayor can do likewise.

SPEAKERS: None

ACTION: None. At the call of the Chair, the item was continued to May 13, 2004.

9. (ISABEL WADE: (415) 621-3260 ext. 114)

NEIGHBORHOOD PARKS COUNCIL PRESENTATION - Dr. Isabel Wade, Executive Director of the Neighborhood Parks Council, will discuss the need for an open space plan and the creation of open space zoning that ensures all neighborhoods receive their fair share of green spaces and recreation facilities. The discussion presents the findings of the Council's year-long study and mapping of existing open space by district and funding allocations through the Open Space Fund over 30 years.

Ms. Isabel Wade gave the following presentation:

- Open space is relevant for the consideration of the Commission because, in addition to the environmental and social benefits, there are important economic benefits.
- They embarked on a study of open space last year in order to identify gaps in the open space system. They mapped the city with information from various agencies as well as private parks to develop the Green Map.
- She displayed a map of district 6. Next to district 3, it is the most deficient district of open space in the City.
- They also looked at what the Open Space Fund had done for the last 30 years.
- It is important to set up an open space task force and the Commission should enforce this.
- The Open Space Element of the General plan has not been revised since 1986. The Commission should request the money to fund the update of this Open Space Element.
- There could also be open space zoning.
- Public space--schools and hospitals, about 400 acres, can be used as open space.

SPEAKER(S):

Marilyn Amini

- The consideration of open space opportunities is very well taken.
- As projects are being approved, they are being reviewed as casting shadows on locations that are already designated open space.
- In the Citywide action plan material which sets forth priorities, it states that streets, because of the proposed increase density, will function as public open space.
- It is important to analyze what open space is available.

ACTION: None. Informational only.

C. DIRECTOR'S REPORT

10. Director's Announcements
Acting Director Craig Nikitas gave the following report:
- Acting Director Badiner is taking a very brief vacation.
 - Rick Crawford from staff is here to provide staff input.
11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –
Land Use Committee
Re: Planning Code Amendment for the Old Mint
- This ordinance passed and will now go to the full Board for consideration.
 - It will allow the P Zoned Mint site to transfer development rights to the adjacent C-3 District by amending Section 128. It will also amend Section 149 to allow the landmark to receive art work contributions to help finance the rehabilitation.
- Full Board of Supervisors**
Re: 690 Market Street
- This package of legislation passed on it's first reading.
- Re: 450 Frederick Street*
- The Board voted to remand this back to the Planning Department because there was new information on the project on a potential historic district in the area.
- Re: 2599 Lombard Street*
- An appeal was filed on a site where the Commission approved an antenna for Verizon.
 - The signatures are about to be verified. If the number of signatures are proper then this appeal will be heard at the full Board on May 11, 2004.

BOA – None

D. REGULAR CALENDAR

12. 2003.0860D (E. TOPE: (415) 558-6316)
357 HOWTH STREET east side between Mount Vernon Avenue and Ridge Lane; Lot 013 in Assessor's Block 7035 - Request for Discretionary Review of Building Permit Application No. 2003.04.21.2744, proposing: a one-story (over storage) rear horizontal extension; stairs leading from the new addition to the rear yard; and a 4' high front yard fence, to an existing single family dwelling within an RH-1 (House, One-Family) District and in a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
- SPEAKER(S):**
(-) Christian Ard – Discretionary Review Requestor
- The permit applicant has submitted information that he intends to use the space for a musical group.
 - This room is located about 10 feet from his bedroom and he's concerned about the noise.
 - The applicant has a history of non-compliant projects.
 - He tried to avoid this Discretionary Review. He asked for help from a community board but the applicant did not want to cooperate.
 - The Planner has based her recommendation on faulty information.
 - There are also discrepancies with the project drawings.

- He has submitted various letters to the Department regarding his concerns for safety but these letters have not been included in the case report.
- (+) **Mr. Massenkoff**
- He is a professional singer. He also has a dance troop.
- His son also might use the extra space for drama rehearsals.
- Regarding the fence in question, he had the fence installed even before the Discretionary Review requester moved into the neighborhood.
- He feels that the improvement that he wants to do in his house is quite simple.

ACTION: Did not take Discretionary Review and approved the project with a finding on the limited use of the storage shed.

AYES: Antonini, Boyd, S. Lee, W. Lee

ABSENT: Bradford Bell, Hughes and Feldstein

13. 2003.1316DD (F. JONES: (415) 558-6477)
168 29th STREET - south side between Dolores Street and San Jose Avenue; Lot 017 in Assessors Block 6617 - Mandatory Discretionary Review of Building Permit Application No. 2003.06.04.6258 pursuant to the Planning Commission's policy for review of all new residential construction for replacement of structures associated with residential demolition (the demolition was previously approved). The new construction is also subject to a request for Discretionary Review from an adjacent neighbor. The proposal is for the new construction of a four-story, four-unit building in an NC-1 (Neighborhood Commercial Cluster) 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and modify the replacement structure.
 (Continued from Regular Meeting of March 11, 2004)

SPEAKER(S):

(-) **Erik Christianson – Discretionary Review Requestor**

- None of the neighbors were contacted, especially the ones who would be mostly impacted.
- His attorney had a written confirmation of a continuance, but the project will be heard today.
- He is asking that the light well along with the property line windows be reconfigured to address pollution and privacy concerns.
- The project is totally out of context with the adjacent buildings.
- He questions the heights of the proposed building because there were many factual errors in memos previously submitted.
- Many neighbors are supporting his compromise.

(-) **Houssein Safa**

- He lives near the project sponsor.
- At the last hearing he felt that the new plans would come back with only a three-floor structure and less windows.
- The current plans have a 3 ½ foot reduction, which is actually an irony since it is not much.
- The project sponsor has not taken any of the recommendations given by the Planning Commission.

(-) **Stevan Guevara**

- He is concerned that there has not been much done to reduce the impact.
- The small reduction of height is not enough.
- He feels that the project sponsor has not had enough respect for the neighborhood.
- He does appreciate the windows that have been removed and that there is actually a building proposed in that area yet it is just too massive.

(-) Amy Van der Wyk

- She appreciates that the property line windows on the west side have been eliminated and that the building has been sunk down.
- Her concerns are the same regarding the fourth floor.
- Her neighbor was going to attend this hearing but had emergency surgery.

(-) David Bushnell

- He is a friend of the Discretionary Review requestors.
- He lives in Noe Valley.
- At the last meeting, the Planning Commission made significant changes and this has not been done.
- The project sponsor had requested a continuance but then retracted, causing a lot of confusion.

(-) David Bob

- He lives near the project site.
- He was here at the last hearing.
- He is sorry that not all of the Commissioners are here today.
- At the previous hearing, there was a consensus from the Commission to remove the 4th floor.
- He feels insulted that the project sponsor has not taken the Commissions requests into consideration.

(-) Maria Cordero

- She appreciates that many of the windows have been removed but she is still concerned with the height.
- She hopes that the Commission will listen to their request.

(-) Jeremy Paul

- He met with the project sponsor and was clear that this item was going to be continued.
- He just received a phone call about twenty-minutes ago that the item was going to go forward.
- He is very concerned about the lack of communication from the planner.
- He feels that the Commission should continued this case so that there is proper time to analyze this or to just take Discretionary Review and have the Commission revise this project.

(+) Michael Levit – Project Architect

- At the previous hearing, the concerns from the neighbors were building height, scale and privacy.
- He submitted project revision documents on April 6 to the Commission.
- The building height has been reduced four feet. The scale of the building has been reduced as well.
- He displayed renderings of the project displaying the height and bulk dimensions.
- He also displayed the property line windows, which have been removed.

(+) Lou Blazej – Representing Project Sponsor

- He feels that he did all that was needed to request a continuance and to notify the attorney of the Discretionary Review requestor about hearing the case today.
- He displayed a diagram of the project and what changes had been made since the previous hearing.
- The neighbors in the back yard are the ones who are asking to have a floor removed so that the proposed building will be lower than their homes.
- He displayed aerial photographs of the area showing how many of the neighbors have large trees and sheds that cause shadows already.
- He feels that this project is within the neighborhood context.

(+) Ron Berrony – Project Sponsor

- He has a long history with the neighborhood.
- He collected many signatures of neighbors who are in support of the project.

(+) Peter Reily

- He owns a building on 29th Street.
- He hopes that the project will get approved.

- He agrees with the revised plans and feels that this is a very good project.

(+) David Hagel

- He lives in the neighborhood.

- When a person purchases a house with a yard, they are not going to get a whole lot of privacy anyway.

(+) Jessica Abul

- She has lived in the neighborhood for many years.

- This project will allow many people, like her family, to own a home.

- She hopes that the Commission will approve this project.

(+) Phillip Compton – Project Sponsor

- This project has a good design for the neighborhood.

- There are various multi unit buildings in the area.

- He is not a large developer.

- He is just trying to make a living and support his family.

(+) Dennis Francis – Project Sponsor

- They have totally redesigned the top floors to accommodate the neighbors concerns.

- One of the Commissioners mentioned at the previous hearing that loss of light is not a substantial circumstance.

ACTION: Took Discretionary Review and approved the project with the following conditions: 1) railings on the west side elevation would be solid railings; 2) bulk of the penthouse roof would be reduce by sloping half of the roof to follow the downward slope of the stairs and reduce the height on half of it; 3) building length will remain as designed by the Project Sponsor and 4) property line windows on the east side will remain by mutual agreement.

AYES: Antonini, Boyd, S. Lee, W. Lee

ABSENT: Bradford Bell, Feldstein and Hughes

14. 2004.0067DD (G. CABREROS: (415) 558-6169)
5734-5736 CALIFORNIA STREET - north side between 19th and 20th Avenues, Lot 019 in Assessor's Block 1379 -- Requests for Discretionary Review of Building Permit Application No. 2002.03.04.0585 proposing a horizontal addition, a new partial fourth floor and the addition of a third dwelling unit to an existing three-story, two-unit building in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

SPEAKER(S):

(-) Diana Tam – Representing the Discretionary Review Requestor

- The Discretionary Review requestors are concerned that the project will create a significant shadow on their property, tower over their home, and invade their privacy.

- Their property value will also reduce because no one will want to purchase a home where there is no sunlight cast upon it and there is no privacy.

- They are strongly opposed to the new construction.

- She urged the Commission not to grant this approval.

- If this project were to be approved, they ask that a 15 to 20 foot setback from the rear wall be recommended instead of the 10 feet as proposed.

(-) Kun-she Tsuei

- This project will have a negative impact on her home.

- She and her husband are elderly and this project will affect their sunlight, view and air.

- They really enjoy and need the sunlight that comes into their bedrooms and kitchen.

- The higher the project the less she will enjoy the sunlight.

(+) K.Y. Chiu – Project Architect/Engineer

- This house is a very small house.

- It does not matter what angle you look at the house, it is very small.

- He is only requesting to extend 11 feet.

ACTION: Took Discretionary Review and approve the project with the following conditions:

- At the ground floor, eliminate the bath tub and allow only a half bath.
- Move the rear of the garage up against the interior stairs (approximately 3 feet) to provide additional maneuvering space within the garage.
- Provide one tandem parking space within the garage to accommodate a total of three vehicles within the garage.
- Provide landscaping within the front setback area.
- At the rear of the building, relocate the proposed stairs up against the rear building wall.

AYES: Antonini, Boyd, S. Lee, W. Lee

ABSENT: Bradford Bell, Feldstein and Hughes

15.

(RODGERS/ALUMBAUGH: (415) 558-6395/558-6601)

DRAFT GLEN PARK COMMUNITY PLAN - (Generally bounded by a quarter mile radius from the Glen Park Bart Station) - Informational presentation on Commission consideration of endorsement of the Draft Glen Park Community Plan, and a summary of community comments to date. The Draft Plan would serve as framework to guide future development and as a tool for the neighborhood to enhance its unique character. In addition, the plan identifies specific public improvements and recommendations for traffic calming measures, on-street parking adjustments, streetscape enhancements, and greenway connections.

More information is available at www.sfgov.org/planning/citywide/glenpark.html

Preliminary Recommendation: Endorse the draft version of the November 2003 Glen Park Community Plan.

SPEAKER(S):

Toby Levine – San Jose Avenue to Save our Streets

- They just saw this plan a few days ago. She actually just saw it today.
- They are very fortunate to have such a gorgeous plan.
- The fact that there is an implementation plan with money attached to it is great.
- She is concerned with the area of San Jose Avenue.
- They would like to bring forward their suggestions, but they have not been tied into the process and have not yet provided their input.

Paul Nixon – San Jose Avenue Coalition

- He and Toby have been involved in this area for about five years.
- They were not part in the Glenn Park process because he did not know that the San Jose area was included.
- They would like to add something to this proposal.
- Having a two way bike lane would eliminate the overcross structure on San Jose Avenue.

Supervisor Dufty

- He commended the Planning Department staff for their hard work on this plan.
- He also thanked the various agencies that provided input to this report.
- He attended neighborhood meetings and invited Ms. Levine to participate in this process.
- There are a lot of good things that this plan will give the neighborhood and it has help him as Supervisor of this district.

Zoanne Nordstrom

- She read a letter from the Glen Park Executive Board who supports this plan and recommendations.

Bruce Bonacker

- He is very excited by this process.
- Supervisor Dufty has been very helpful to his organization.
- He also helped Bill Warr who works at BART and was able to gather money for funding.

Dan Tuttle

- He lives in Glen Park.
- He thanked staff for participating in this plan and making it happen.
- He thanked Congressman Lantos for obtaining funding.
- This community plan has the opportunity to heal a very hurt neighborhood.
- If the plan is supposed to do what it plans to do, it should be implemented with utmost honesty.

Kate Benn

- She participated in the plan last year.
- She urged the Commission to endorse this plan.
- The traffic calming ideas and the multimodal ideas are very good.
- She is in support also of the design guidelines.
- She asked the Commission to continue their decision in order to implement the design guidelines.

Bruce Helmberger

- He lives in the neighborhood and has participated in the process and workshops.
- He encouraged the Commission to implement this process across the City.
- These types of workshops and the attention to detail create the foundation to provide healing to neighborhoods.
- He thanked the focused attention of Dr. Amit Ghosh and Ms. Ann Marie Rodgers.
- The neighborhood resource are extremely under utilized.

Andrea O'Leary

- There has been an attitude regarding this from where she lives. They feel they are being ignored. She lives on Miraloma Street.
- She went to the community process on the very last day.
- It is very important that someone reaches out to them. They mostly drive their cars. The MUNI line that goes through there is not very reliable. Because of the location of where they live, it is hard for people to walk up and down the hill with children.
- There seems to be very little coordination with the Planning Department and Park and Rec regarding parks and open spaces.

Sherry LaPorte

- She requests that the Commission postpone the endorsement of this item. Although, she endorses it, she cannot understand how some specifics are missing from the document.
- Where are the details of this?
- Her question is regarding the process of the development of this document.

Mathew Bittleston

- He lives in Glen Park.
- He is very happy to see this plan and thanked everyone who has worked on it.
- His only concerns are about what the emphasis are on the traffic studies. Pedestrian safety and reduced automobile speeds need to be emphasized in these studies.
- This is a very central public transportation area so reducing parking is good.
- Putting bike lanes on San Jose Avenue is a good idea.
- He seconds the concerns about how comments are being incorporated into this draft plan.

Elise Ravel

- A tremendous amount of work was put into this plan.
- She lives in Glen Park.
- A lot of thought went into it, but she does agree with the previous speakers about how some comments have not been incorporated into the draft plan.
- She uses public transportation and encourages people to do so as well.
- A little bit more information would be good before approving the plan.

ACTION: Endorsed
 AYES: Antonini, Bradford Bell, Boyd, S. Lee, W. Lee
 ABSENT: Feldstein and Hughes
 RESOLUTION: 16769

16. (D. ALUMBAUGH/J. RUBIN: (415) 558-6601/558-6310)
CENTRAL WATERFRONT NEIGHBORHOOD PLAN - Informational presentation on the draft Central Waterfront Neighborhood Plan, a part of the Better Neighborhoods Program. The purpose is to present staff's suggested amendments to the draft plan and to clarify the plan's proposals for housing. No action is requested. Informational Presentation Only.
 (Continued from Regular Meeting of March 18, 2004)

SPEAKER(S):

Toby Levine – Pier 70 Citizen's Advisory Group

- They are trying to preserve the buildings at the Waterfront.
- For the past four years, they have had great support from the Planning Department.
- She is hoping that the next round for Pier 70 will have the same support from the Department.
- She is concerned that they will [not] be able to get the funds to complete the EIR.
- She will urge the Mayor and the Board of Supervisors to support the Plan and ensure funding for the EIR.

Corinne Woods – Chair Bioscience Task Force

- She is a member of the Pier 70 CAC.
- She is here as the Chair of the Bioscience Task Force. They are to set a framework for the bioscience industry to come to San Francisco.
- They are looking outside of Mission Bay because it appears to some that this area is very expensive.
- Dr. Ghosh has been attending all of their meetings and she is very thankful to him for that.
- They would like to be considered in the next round of zoning changes.

Diane Oshima – Port Planning and Development Staff

- There is confluence of things in the central waterfront area.
- There are an incredible amount of historic resources that are deteriorating. Ones that they would like to preserve and improve.
- They are starting a master plan for the area of Pier 70.
- They are concerned with the Illinois Street corridor and how the industrial traffic will flow.

Joe Ross

- He submitted a letter from the Dog Patch Neighborhood Association who is in support of this plan.
- There are groups in the City who are working very hard to finance an EIR and put this on the ballot, before the Board of Supervisors, etc.

ACTION: Informational Presentation Only. No action.

17. 2003.1305C (D. DIBARTOLO: (415) 558-6291)
2238-2250 GEARY BOULEVARD - northeast corner at Broderick Street; Lot 025 (previously lots 005 through 0012) in Assessor's Block 1079: - Request for Conditional Use Authorization pursuant to Section 712.83 of the Planning Code to install and operate a wireless telecommunication facility for Circular Wireless within an NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and an 105-X Height and Bulk district, upon the roof of the approximately 98-foot tall Kaiser Medical Building. Per the City and County of San Francisco's Wireless Telecommunication Services (WTS) Facilities Siting

Guidelines, the proposal is a Preferred Location Preference 1, as it is a publicly-used structure.

Preliminary Recommendation: Approve with Conditions

SPEAKER(S):

(+) **Tony Kim – Cingular Wireless**

- In 2001, they identified a lack of coverage in this area.
- They installed an antenna at the subject property facing west. This antenna has provided improved coverage in the area.
- They have recently discovered once again a demand for coverage in the Western Addition.
- This modification proposal will ensure immediate resolution to their coverage needs.
- The installation will be visually unobtrusive.
- Mr. Richard Lee from the Department of Public Health has reviewed the proposal.
- Trilingual notices were sent to the neighborhood.
- An informational community meeting was held and no one attended the meeting.
- The subject site is considered the most preferred location.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, S. Lee, W. Lee

ABSENT: Feldstein and Hughes

MOTION: 16767

18. 2003.1208C (M. SNYDER: (415) 575-6891)
2601 MISSION STREET - southeast corner at 22nd Street, Lot 69 in Assessor's Block 3637 – Request for Conditional Use authorization under Planning Code Sections 712.83 and 790.80 to replace nine antennas that are now on the southern and western walls at the roofline with nine antennas that would be located on the middle portions of western, southern, and eastern walls approximately 77-feet above grade. These antennas are part of an existing Wireless Telecommunications Services facility operated by AT&T Wireless. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 50-X / 65-B Height and Bulk District. Pursuant to the WTS Facilities Guidelines, the project is a Preference 2 Location Site, an existing site on which a legal wireless telecommunications facility is currently located.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Dan Figueroa – AT&T Wireless**

- AT&T has been on top of this roof for quite some time.
- This proposal will improve the footprint of coverage for the area.
- This is more of a maintenance item for the company.
- The RF Shielding material will be matched to the building.

ACTION: Public Hearing Closed. Item Continued to June 3, 2004 in order for Project Sponsor to provide better coverage maps.

AYES: Antonini, Bradford Bell, Boyd, S. Lee, W. Lee

ABSENT: Feldstein and Hughes

19. 2004.0140C (M. SNYDER: (415) 575-6891)
496 14th STREET - The Hush Hush Lounge, east side between Guerrero Street and Valencia Street, Block 26 in Assessor's Block 3533. Request for Conditional Use authorization under Planning Code Sections 710.48 to allow "other entertainment" (as defined by Planning Code Section 790.38), which includes live amplified music entertainment and DJs, in an existing bar. No change to the exterior of the building is

proposed. The subject property is within an NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Kimberly Jordan – Owner of the Hush Hush Lounge

- She has done extensive sound proofing that has passed abatement tests.
- She has been able to hear and adjust to the concerns of her neighbors.
- She hopes that she will be allowed to have the entertainment hours until 1:30 a.m. from Tuesday thru Saturday.

(+) Philip Lesser – Mission Merchant's Association

- This project is located in an entertainment zone.
- He supports this project.
- The project sponsor has done well with working with her neighbors and helping her business thrive.

(+) Isaac (last name unclear)

- Since the Hush Hush Lounge has been there he has not had any problems.
- This bar has cleaned up the area and there has not been any problems.
- The bar has also provided a venue for artists to come and meet there.

ACTION: Approved with the following additional condition as stated by staff:
Department staff cannot approve the use either through a building permit or from a referral from another department until all noise regulations have been met and proven through the Police Department Noise Abatement Team.

AYES: Antonini, Bradford Bell, Boyd, S. Lee, W. Lee

ABSENT: Feldstein and Hughes

MOTION: 16768

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Marilyn Amini

Re: Notices

- She had hoped to be able to speak before the Commission earlier.
- She rose to speak earlier and wasn't allowed to speak at that time.
- She is the person who saw the notice in the newspaper about a meeting on April 29, 2004.
- She went to a neighborhood organization and no one there had seen the notice.
- This raises issues about notices in general. The notice was not located in the regular Planning Commission notices.

- Notice has not been adequate on anything related to the Housing Element.

Adjournment: 7:46 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, May 13, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 22, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

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COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Amit Ghosh; Sara Vellve; Jim Miller; Kate McGee; Tina Tam; Dan DiBartolo; Matt Snyder; Winslow Hastie; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2002.0914R (D. ARGUMEDO: (415) 558-6308/S. SHOTLAND: (415) 558-6284) 675 TOWNSEND STREET, south side between 7th and 8th Streets; Lot 007 in Assessor Block 3799. The project is related to Planning Case No. 1998.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard. The subject property (675 Townsend Street) is in an M-2 (Heavy Industrial) District and a 40-X/50-X (Height and Bulk) District.

Preliminary Recommendation: Find the proposal not in conformity with the General Plan (Continued from Regular Meeting of April 8, 2004)

NOTE: On April 1, 2004, following public testimony, the Commission closed public hearing. The Commission entertained a motion to find this project not to be in conformity with General Plan by a vote +3 -2. Commissioners Antonini and Bradford-Bell voted no. Commissioners Boyd and Hughes were absent. The

motion failed. The matter was continued to April 8, 2004 by a vote +5 -0 to allow the absent commissioners to participate in the final action. Commissioners Boyd and Hughes were absent.

NOTE: On April 8, 2004, the Commission passed a motion of intent to approve by a vote of +6-1; Commissioner Feldstein voted against. Final Language: April 22, 2004 for final language.

(Proposed for Continuance to May 6, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 6, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

- 2a. 2003.0304E (J. NAVARRETE: (415) 558-5975)
829 FOLSOM STREET - New Construction of 69 Residential Units: **Appeal of Preliminary Negative Declaration** The proposed project is new construction of 69 residential units in a nine-story, 80-foot tall, approximately 92,900 gross square-foot building covering a 10,313 square-foot site. A public parking lot currently occupies the project site, which would be demolished. About 63 parking spaces would be located in a basement-parking garage with parking entrances/exits on Shipley Street. There would be about 5,000 sq. ft. of ground floor retail space on Folsom Street. Pedestrian access would be on Shipley and Folsom Streets. The proposed project would require Conditional Use authorization for the project's proposed height above 40 feet. The project site is lot 91 in Assessor's Block 3752, on the south side of Folsom Street with street frontage also on Shipley Street, between Fourth and Fifth Street, within a South of Market Residential/Service District (SOM RSD) and a 40-X/85-B Height and Bulk District. Preliminary Recommendation: Uphold the Preliminary Negative Declaration (Continued from Regular Meeting of April 1, 2004)
(Proposed for Continuance to May 13, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

- 2b. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752. Request for Conditional Use authorization under Planning Code Sections 157, 207.5, 263.11, and 271 to construct an 85-foot-tall, nine-story building exceeding bulk limits, for a mixed-use development with up to 70 dwelling units, up to 5,000 gross square feet of ground floor retail commercial space, and a 62-space parking garage exceeding accessory amounts. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. Preliminary Recommendation: Pending (Continued from Regular Meeting of April 1, 2004)
(Proposed for Continuance to May 13, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

- 2c. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752. The proposal is to construct a mixed-use

development with up to 70 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. Variances are sought from the bay window projection limitations of Section 136(c)(2)(B) and from dwelling unit exposure requirements of Section 140(a)(2). The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.

(Continued from Regular Meeting of April 1, 2004)

(Proposed for Continuance to May 13, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

3. 2003.0587HXVLU (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET - north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets (the lot and structure are L-shaped)), Lot 5, in Assessor's Block 341 - Request for 1) a Permit to Alter under Article 11 for a substantial increase in height to a Category I Building; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an one-story vertical addition, historic façade rehabilitation, and conversion of existing office space to approximately 34 residential dwelling units, with an exception to the Planning Code rear yard requirements; 3) the granting of residential open space, dwelling unit exposure, and parking variances; 4) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 244; and 5) recommendation to the Board of Supervisors for conditional approval of a conditional Mills Act Contract; all for the subject property, which is in the C-3-G Zoning District and a 110-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission.

(Continued from Regular Meeting of March 18, 2004)

(Proposed for further continuance to May 13, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

4. (M. FUNG: (415) 558-6364)
DISCRETIONARY REVIEW COST RECOVERY PROGRAM - On September 25, 2003, the Planning Commission directed the Department to implement full cost recovery for all Discretionary Review (DR) requests, as provided in Sections 352(b) and 350(c) of the Planning Code. On March 4, 2004, the Planning Commission continued the Discretionary Review (DR) Cost Recovery hearing to April 22, 2004 for interested neighborhood groups and department staff to address the Department's financial deficit issues vs. desire for affordable Discretionary Reviews, instead, the department now proposes the following:

Preliminary Recommendation: To initiate the code amendment to allow an application surcharge for all building permits reviewed by the Planning Department and to modify the Planning Code Fee Ordinance to increase the initial Discretionary Review fee to \$300 from \$133 to offset Discretionary Review costs.

(continued from Regular Meeting of March 4, 2004)

(Proposed for Continuance to May 20, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 20, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee
ABSENT: S. Lee

- 5a. 2004.0032D (J. PURVIS: (415) 558-6354)
43 HAMILTON STREET – east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 – Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2002.10.17.9296 proposing the demolition of a one-story, single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued fro Regular Meeting of March 11, 2004)
(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 27, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee
ABSENT: S. Lee

- 5b. 2004.0033D (J. PURVIS: (415) 558-6354)
43 HAMILTON STREET – east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 – Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2002.10.17.9298 proposing the construction of a two-story single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of March 11, 2004)
(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 27, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee
ABSENT: S. Lee

6. 2003.1110T (I. WILSON: (415) 558-6163)
REQUIRED SECOND MEANS OF EGRESS - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress; Adoption of an ordinance amending the San Francisco Planning Code by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.
Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.
(Continued from Regular Meeting of March 25, 2004)
(Proposed for Continuance to June 10, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 10, 2004
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee
ABSENT: S. Lee

7. 2003.1164D (M. WOODS: (415) 558-6315)
6725 CALIFORNIA STREET - south side between 29th and 30th Avenues, Lot 47 in Assessor's Block 1404 - Request for Discretionary Review of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

NOTE: On January 22, 2004, following public testimony, the Commission closed the public hearing. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.

(Continued from Regular Meeting of March 25, 2004)

(Proposed for Continuance to June 3, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

8. 2003.0841C (G. NELSON: (415) 558-6257)
1950-1960 GREEN STREET - north side between Buchanan and Laguna Streets; Lot 040 in Assessor's Block 0542: Request for Conditional Use authorization pursuant to Sections 178(c) and 303 of the Planning Code to enlarge 2 legal dwelling units which exceed the density limit for the RH-2 (Residential, Two-Family) District and 40-X Height and Bulk District within an 11-unit residential building. The proposal is also to raise the building approximately four feet to create a new below-grade parking garage for 11 vehicles, and to expand the building toward the rear at the first, second, and third stories to allow enlargement of 4 of the 11 units. New entry stairs and a driveway/garage door will be constructed at the front.

Preliminary Recommendation: Approval with Conditions

(Proposed for Continuance to June 3, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

9. (M. CORRETTE: (415) 558-6295)
INNER MISSION NORTH, PHASE II HISTORIC RESOURCE SURVEY - Consideration to adopt a motion to endorse the Inner Mission North Cultural Resource Survey, Phase II and Draft Context Statement findings. The Inner Mission North Survey Area is bound by Dolores to the west, Mission, Natoma and Capp Streets to the east, Duboce Avenue to the north and 16th Street to the south and includes the following Assessor Parcels: Block 3532, Lots: 003, 004, 004A, 006, 007, 008, 009, 010, 011, 012, 012A, 019B, 025, 043, 044, 049, 050, 051, 052, 053, 054, 055, 056, 056A, 057, 058, 059, 060, 062, 064, 065, 065A, 068, 069, 071. Block 3533, Lots: 007, 008, 011, 013, 015, 016, 017, 018, 019, 020, 021, 022, 023, 026, 026A, 029, 031, 032, 033, 033, 034, 039, 040, 041, 042, 043, 044, 044A, 046, 047, 048, 049, 050, 051, 051A, 052, 055, 056, 057, 058, 059, 060, 061, 063, 064, 065, 066, 067, 068, 069, 070, 070A, 072, 073, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084. Block 3534, Lots: 002, 003, 004, 005, 006, 006A, 007, 010A, 011, 012, 013, 014, 015, 016, 017, 017A, 017B, 017D, 017E, 018, 019, 020, 022, 024, 025,

025A, 025B, 025C, 025D, 025E, 026B, 027, 028, 031, 031A, 032, 034, 035, 036, 037, 038, 040, 041, 043, 047, 048, 049, 050, 056, 058, 063, 064, 065, 068, 095, 096, 097, 098, 099, 100, 103, 104, 105. Block 3544, Lots: 003, 004, 006A, 008, 010, 011, 79,80,81, 013, 013A, 015, 016, 017. Block 3545, Lots: 018A, 019, 022, 022, 023, 024, 025A, 026, 027, 028, 029, 032, 033, 034,035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 050, 055, 057, 058, 059, 062, 063, 064, 066, 067, 068, 069, 070, 071, 073, 074, 077, 078, 079, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 092 A, 093, 094, 096, 097, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120,121. Block: 3547, Lots: 003, 004, 005, 007, 008, 018B, 019, 027. Block 3548, Lots: 019, 020, 021, 023, 024, 025, 026, 027, 028, 031, 032, 036, 036A, 039, 040, 041, 044, 045, 047, 049, 050, 053, 054, 055, 056, 057, 058, 058, 059, 060, 061, 062, 064, 065, 068, 069, 070, 071, 072, 073, 074, 077, 078, 079, 081,082, 083, 084, 086. Block 3553, Lots: 022, 032, 043, 044, 045, 046, 047, 048, 052. Block 3554, Lots: 002, 003, 007, 008, 012, 030, 031, 032, 032A033, 033A, 034, 035, 036, 037, 040, 043, 045, 046, 046A, 047, 051, 052, 055, 056, 057. Block: 3555, Lots: 002, 004, 016, 017, 018, 021, 022, 023, 024, 025, 026, 027, 028, 029, 031, 031A, 031B, 031C, 031D, 031E, 031F, 031G, 033, 034, 042, 044, 045, 047, 048, 049, 050, 051, 052, 053, 054, 055A, 055B, 058, 063. Block 3556, Lots: 002, 003, 004, 005, 006, 007, 008, 016, 017, 018, 019, 020, 021, 023, 027, 030, 033, 035, 037, 038, 039, 048, 230-236, 57, 58, 59. Block 3557, Lots: 008, 008A, 009A, 009B, 010, 011, 012, 013, 014, 015. Block 3567, Lots: 034, 035, 036, 037, 039, 040, 041, 042, 044. Block 3568, Lots: 001, 059, 059, 061, 062, 063, 064, 066, 067. Block 3569, Lots: 049, 050, 051, 075, 076, 077, 078. Block 3570, Lots: 047A, 047C. Phase I gathered information on the physical characteristics of 420 properties in the survey area on DPR 523A forms. Phase II gathered information on the history of each property and evaluated 420 properties, utilizing DPR 523B forms. Evaluations are based on National Register Criteria and assess each property for eligibility for listing in the National Register, California Register, and Local registration. The evaluations consider properties individually and as members of groups, or districts. A historical context was developed as a framework for the evaluation. Survey conclusions and context statement are on the Planning Department's web page at <http://www.ci.sf.ca.us/planning/preservation/InnerMiss.pdf>

Preliminary Recommendation: Pending
(Proposed for Indefinite Continuance)

SPEAKER(S): None

ACTION: Without hearing, item continued indefinitely

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

10. 2003.0949CV (G. CABREROS: (415) 558-6169)
3300 CLAY STREET - northwest corner of Presidio Avenue and Clay Street, Lot 003 in Assessor's Block 0997 -- Rear yard, open space and nonconforming structure variances from Planning Code Sections 134, 135 and 188, respectively, are sought. A six-unit apartment building currently occupies most of Lot 003 and a portion of Lot 004. While the lot line adjustment, proposed via the Conditional Use case described above, would result in the apartment building being entirely contained on Lot 003, Lot 003 would remain non-complying with the above provisions requiring variances. The site is within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
(Variance has been Withdrawn)

SPEAKER(S): None

ACTION: Variance has been withdrawn

B. COMMISSIONERS' QUESTIONS AND MATTERS**11. Commission Comments/Questions****Commissioner Feldstein:***Re: Resignation as Commissioner*

- Announced that effective at the close of the hearing on the Transbay Terminal today she will be resigning from the San Francisco Planning Commission.

Commissioner Bradford Bell:*Re: Commissioner Feldstein's Resignation*

- She stated that the Commission has been very fortunate. Many people thought there would be fireworks as a result of a Commission chosen by the Board of Supervisors and the Mayor.
- It has been a pleasure for her to work with Commissioner Feldstein. She has brought organization and fairness to the Commission.

Commissioner Antonini:*Re: Commissioner Feldstein's Resignation*

- He is thankful to have worked with Commissioner Feldstein. All of her decisions have been totally prepared and supported with findings.
- He wished her luck in her future endeavors.

Re: Rental Market

- He read an article regarding the softness in the rental market.
- The lesson here is that the Commission has to base their findings in regards to policies on what is the present state of affairs and not what used to be the state of affairs.

Commissioner Boyd:*Re: Commissioner Feldstein's Resignation*

- Assertive and Aggressive – these words combined describe Commissioner Feldstein's professionalism towards the Commission.
- There was a perception that the Commission would not go beyond deadlock, this has not been the case at all.
- He wished her blessings.

Commissioner William Lee:*Re: Commissioner Feldstein's Resignation*

- He thanked Commissioner Feldstein for bringing the Commission to another dimension.
- Although they voted differently on various items, he respects her very much.
- He knows that her daughter will be a developer in the future.

Commissioner Hughes:*Re: Commissioner Feldstein's Resignation:*

- He will miss Commissioner Feldstein and is sorry to see her go.
- As Commissioners, it is their job to contribute their time and background to the City of San Francisco. Commissioner Feldstein has risen above what the average Commissioner should bring.
- He wished her luck in future endeavors and hopes to work with her again.

Commissioner Bradford Bell:*Re: Home Depot EIR project and Commissioners appointments on the Eastern Neighborhoods project.*

- She wants to know what the status is on these.

Acting Director Badiner responded:*Re: Home Depot*

- It is his understanding that as of two weeks or so ago staff was waiting for comments and revisions from the project sponsor.
- He will find out about these responses and will communicate them to Commissioners via email next week and to the public at the next meeting.

Re: Eastern Neighborhoods

- This just started to move ahead this week because staff misunderstood that he wanted to be in every meeting. They were trying to accommodate his schedule.
- Staff should now have started setting up meetings, with or without him being available.

C. DIRECTOR'S REPORT

12. Director's Announcements

Re: Commissioner Feldstein's Resignation

- He mentioned that having worked with Commission Feldstein was educational and an honor.

Re: Friends of City Planning Annual Dinner

- The dinner was a success. It was the first time that it was sold out.
- There was a wide range of people in attendance.
- The dinner also raised a lot of money—not yet aware of the amount .

Re: SOMA and Mission

- These items will be re-examined. The policies vs. controls in the Mission; and the specific boundaries in the SOMA and what was included and excluded. SOMA will be scheduled for the May 6, 2004 hearing. The Mission will be scheduled for June 3, 2004.

**13. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –**

Land Use Committee

Re: Large Scale Retail

- The Commission heard this at the end of last year.
- The Committee heard an ordinance that requires Conditional Use for any retail use in excess of 50,000 sq. ft. and it would prohibit retail in excess of 120,000 sq. ft. in any district other than Downtown.
- There were other amendments such as market demands, traffic shift patterns, etc.
- This will be heard again next Monday.

Re: Mills Act Contract

- This will be considered by the Finance Committee some time next month.

Re: 55 Fifth Street

- The Commission passed recommending ordinances. This had the final reading this past Monday.

BOA – None

D. REGULAR CALENDAR

14. 2003.1273C (S. VELLVE: (415) 558-6263)
2001 37TH AVENUE (aka 2750 RIVERA STREET) – west side between Quintara and Rivera Streets, Lot 006 in Assessor's Block 2094 - Request to amend Conditional Use Authorization 1989.477C and Motion 12024 pursuant to Sections 303 and 209.3(h) of the Planning Code to install outdoor lighting to allow evening use of an existing athletic field at Saint Ignatius Preparatory School within a RH-1 (Residential, House, One-Family)

Zoning District and a 40-X Height and Bulk District. The proposal is to install four posts with light fixtures at each corner of an athletic field located between the parking lot/tennis courts at 37th Avenue and Rivera Street and the gymnasium and swimming facilities. The poles and light fixtures will be up to 40 feet high and located 170 feet north of the Rivera Street frontage, and over 400 feet from 36th Avenue and 39th Avenue.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Steven Wong – Project Architect

- The lights will be located on the practice field--not on the main football field.
- The lights are quite a distance from neighboring residences.
- They found lighting that meets the needs of the neighborhood.
- He is available for questions.

(+) Jim Salinas

- This school is very well known and has been a very good community partner.
- Whenever there have been issues, the school has always reached out to the neighbors.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee

ABSENT: S. Lee

MOTION: 16770

15. 2003.0949C (G. CABREROS: (415) 558-6169)
3300 CLAY STREET - northwest corner at Presidio Avenue, Lot 004 in Assessor's Block 0997 – Request for Conditional Use Authorization under Planning Code Sections 121 and 303 to create a lot measuring less than 25 feet in width, having an area of not less than 1,500 square feet, and to contain a single-family residence in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District. The proposal is to adjust the property line between Lots 003 and 004 so that the existing six-unit apartment building (located to the east) is entirely contained on Lot 003 and to allow the construction of a new three-story, single-family residence on Lot 004.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Carol Bayer and Robert Bayer-- Project Sponsor

- She is the owner of the property.
- They have lived in the neighborhood for 35 years.
- This is a vacant site so they are not demolishing anything.
- They want to build a single-family house that would enhance the neighborhood.

(-) Doug Cain

- There is a legal legislated setback of seven feet.
- This intrusion cannot be approved by either a variance or conditional use action. The Board of Supervisors can only change it.
- This project will threaten the property values of the homes in the neighborhood.
- The proposed exterior has no architectural details.
- There is a long list of codes that this property is negating.

(-) Carol Scott

- She has not had time to review the proposed changes but have multiple concerns such as moving a building that is almost 100 years old. She is also concerned about the historical significance of the building.
- The Presidio Heights Residents Association has not had time to analyze this project.
- What would be the result of heavy construction in the area?
- There will be a lot of discomfort to the residents of the building.
- She works on the computer daily to prepare for her college teaching and the construction would be disruptive.

(+) William Pashalinsky – Project Architect

- This is like a "little sister" to the existing building.
- There will be a five-foot setback to preserve the light coming into the buildings.
- The building is code conforming.
- They will install very attractive plants and flowers to keep an attractive front to the building.

(-) Michael Needham

- He is opposed to the project because he feels that it will be too large.
- From the drawings that he has seen, he feels that the project will have an impact on the space atmosphere of his units.
- This project will have a negative impact on the neighborhood.

(-) Jane Cain

- She did not have any warning of this proposal.
- There was a letter that was slipped underneath her door that did not give too much information.

ACTION: Approved with the following amendment: Allow part of the proposed lot 004 to be kept as open space for lot 003, creating an L-shaped lot.

AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee

ABSENT: S. Lee

MOTION: 16771

16a. **2004.0090EKCV** (G. CABREROS: (415) 558-6169)

2655 VAN NESS AVENUE - southwest corner of Van Ness Avenue and Greenwich Street, Lot 001 in Assessor's Block 0522 -- Request for Conditional Use Authorization under Planning Code Sections 253 and 271 to allow a building to exceed 40 feet in height and to exceed the prescribed bulk limit in an RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District. Above a height of 40 feet, the A Bulk District allows a maximum building length of 100 feet and a maximum diagonal dimension of 125 feet. The proposal is to demolish the existing three-story commercial building (former uses include a television station and most recently a tennis club) and to construct a new six-story, mixed-use building up to 65 feet in height and with a maximum length of 128 feet and a maximum diagonal measurement of 146 feet above a height of 40 feet. The new building proposes up to 29 dwelling units, 43 parking spaces in a below-grade garage, and approximately 4,700 square feet of commercial space at street level. A concurrent hearing before the Zoning Administrator will be held for a Variance request.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

16b. **2004.0090EKCV** (G. CABREROS: (415) 558-6169)

2655 VAN NESS AVENUE - southwest corner of Van Ness Avenue and Greenwich Street, Lot 001 in Assessor's Block 0522 -- Rear yard and dwelling unit exposure variances from Planning Code Sections 134 and 140 are sought. The proposal is to demolish the existing three-story commercial building and to construct a new six-story, mixed-use building up to 65 feet in height with up to 29 dwelling units, 43 parking spaces in a below-grade garage, and approximately 4,700 square feet of commercial space at street level. The proposed building measures 122 feet long and 70 feet deep, a rear yard Variance is requested. A five-foot rear yard is proposed along the western portion of the

lot where an 18.75-foot rear yard is required. A Variance from the exposure requirements is also requested. Eight units along the west side of the proposed building would not meet the dwelling unit exposure requirement, which requires all dwelling units to face onto either a street or Code-complying rear yard. The subject property is located in an RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District.

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

- 17a. 2003.0535EDDV (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET – Consideration of a Motion adopting findings related to a determination of compliance under the California Environmental Quality Act as described in a Final Mitigated Negative Declaration of Environmental Review for the construction project proposed (demolition of a two-family dwelling and the construction of a new nine-unit residential building), Lot 028 in Assessor's Block 0191.
 Preliminary recommendation: Adopt CEQA Findings

SPEAKER(S):

(-) Rick Riley – 900 Block of Jackson Street Residents

- He has lived on this street for more than 10 years.
- A compromise was reached when various changes were made.

(+) Jim Reuben, Representing the Project Sponsor

- There was a hearing scheduled last December.
- There were various neighbors who attended the Board of Supervisors hearing.
- There is actually an agreement now. (This is shown in a submittal that he has presented to the Commission.)
- It is important to note that the environmental document has not been appealed.
- The reason why some people oppose this project is actually the reason why it should be supported--it is near transit, parks, etc.
- He displayed a diagram of the facades of the houses on that block.
- He urged the Commission to approve this project.

(-) Edwin Wong

- He lives on Jackson Street, near where the project will be located.
- The entire neighborhood does not approve this project.
- He has read the report many times and is still confused because there are a lot of errors.

(-) Stella Jeong

- She agrees with the previous speaker.
- The property is similar to the other properties on the block and does not merit exemption.
- There are buildings on the block that do not conform to the planning code.
- They have voiced their opposition to this project.
- The poster that is placed on the project site did not have a proper translation in Chinese.

(+) Jerry Agusta – Project Sponsor

- It has taken a lot of time to get his project to this point.
- He prides himself on being a good builder.
- He takes pride in what he does.
- The design that is before the Commission is the result of various meetings with the neighbors, the planners, etc.
- He feels that this is a good design and compromise.

(+) Kevin Change

- He was one of the neighbors who was opposed to the project. Now he applauds the project sponsor for taking time to reach a compromise.
- The project sponsor has been very good about his concerns and applying them to the new plans.

ACTION: CEQA Findings Adopted
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee
ABSENT: S. Lee
MOTION: 16772

- 17b. 2003.0904D (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET -- south side between Powell and Mason; Lot 028 in Assessor's Block 0191 -- Mandatory Discretionary Review of Building Permit Application No. 2003.07.24.0318 proposing the demolition of a two-family dwelling and its replacement with a new building containing nine dwelling units. The subject property is located in an RM-3 (Mixed Residential, Medium Density) District and a 65-A Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and approve the demolition permit.

(Continued from Regular Meeting of April 1, 2004)

SPEAKER(S): Same as those listed for item 17a.
ACTION: Did not take Discretionary Review and approved the demolition
AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee
ABSENT: S. Lee

- 17c. 2003.0535EDDV (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET -- south side between Powell and Mason Streets, Lot 028 in Assessor's Block 0191, in an RM-3 (Mixed Residential, Medium Density) District and a 65-A Height and Bulk District -- Mandatory Discretionary Review of Building Permit Application No. 2003-05-20-5122 to construct a new four-story, nine-unit residential building approximately 40 feet in height, pursuant to a residential demolition. There is also a request for Discretionary Review filed by a neighbor.
Preliminary recommendation: Take Discretionary Review and approve the permit with modifications.

SPEAKER(S): Same as those listed for item 17a.
ACTION: Took Discretionary Review and approved the project with the following modifications: redesign building by modifying the bulk and mass of the building, reduce the stair penthouse so that it is the absolute minimum allowed, and removal of the parapet around the roof.
AYES: Antonini, Bradford Bell, Boyd, W. Lee
NAYES: Feldstein and Hughes
ABSENT: S. Lee

- 17d. 2003.0535EDDV (J. MILLER: (415) 558-6344)
937 - 939 JACKSON STREET -- south side between Powell and Mason Streets, Lot 28 in Assessor's Block 191, in an RM-3 (mixed Residential, Medium Density) District and a 65-A Height and Bulk District. A rear-yard Variance is sought, pursuant to Section 134 of the Planning Code, for construction of a new four-story residential building containing nine dwelling units with a ground-floor garage containing nine off-street parking spaces, after demolition of the existing two-family dwelling. A portion of the garage level is proposed to project approximately 19 feet five inches into the otherwise-required rear-yard area, leaving an area open and clear (from the ground up) of 15 feet behind it. On the second floor, another projection into the otherwise-required rear yard of six feet six inches over a width of 27 feet (with five-foot setbacks from each of the side lot lines) is proposed. The upper surfaces of these two rear projections would be finished off as usable open space.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as those listed for item 17a.

ACTION: Zoning Administrator closed the public hearing and granted the Variance.

- 18a. 2003.1282D (K. McGEE: (415) 558-6367)
309 CORTLAND AVENUE - north side between Bocana and Bennington Streets, Lot 17 in Assessor's Block 5667 - Request for Discretionary Review for Building Permit Application No. 2003.09.30.6176, proposing to change the use of the existing bar "Charlie's Club", to add "Other Entertainment", per Planning Code Section 711.48, located in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and in a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with conditions.
(Continued from Regular Meeting of February 12, 2004)

SPEAKER(S):

(-) **Gordon Thrupp**

- He lives on Cortland Avenue.
- He lives near a bar and tolerates various noises and disruptions.
- He displayed an aerial photo of the street showing where the bar is in comparison to his house.
- He displayed various diagrams of the interior of the bar.
- There has been a lot of neighborhood objection and the bar owner withdrew a previous application.
- He displayed a lot map highlighting the various homes that object to the project.

(-) **Donna Roberts**

- She lives on Cortland Avenue and owns a real estate office in the area.
- She tries to do the best she can for her community.
- There has been a variety of work done on the bar without permits.
- Anyone who builds something without a permit would have to tear it down.
- She noted an error in the report provided by the planner. It states that the bar serves food and it does not.
- The upstairs flat had rear stairs going to the back yard, these people use the back yard for barbecues.
- The back yard was never used for drinking.

(-) **Margaret Thrupp**

- When she moved into the neighborhood it was a quiet neighborhood.
- The noise is getting worse and worse.
- There has been an illegal DJ playing at the bar.
- Over the last year, there have been hundreds of letters that have been signed by people who are opposed to the bar and live music.
- She is asking the Commission to protect the livability of the neighborhood by reducing the entertainment hours, increase emergency exits, improve the facility, etc.

(-) **Robin McGinley**

- She has lived in the neighborhood for many years.
- She supports local businesses, especially those businesses that contribute to Bernal Heights.
- She cannot support the club because the owner does not respect the neighbors.
- Perhaps the owner has renovated the club cosmetically, but the noise is still a problem.
- It is very difficult to function without having a good night's sleep. Having a DJ all week would just be an impact.
- She has no reason to believe that the project sponsor will respect the neighbors if this project is approved.
- The owner should be fined for operating entertainment without a permit.

(-) **Daniel McGinley**

- There have been illegal construction and upgrades done to the bar.

- The owner is encouraged by the inability of the Planning Department to bring all this under control.

- The applications for building permits are totally convoluted.

(-) Ralf Carney

- He lives around the corner from the bar.
- He has been watching this go on for a long time.
- He agrees with everything that his neighbors have said.
- The owner should readapt his plans. Then he would have a very successful bar.

(+) Mark Renne – Representing the Project Sponsor

- The applicant wishes to present DJ music and non-amplified live music to his patrons in Bernal Heights.

- The bar has been at this location for about 50 years.
- The owner has done a lot of improvements to the building.
- Charlie's club is a necessary piece of the neighborhood's commercial mix for Cortland Street.
- The slight expansion will not change the character of the bar.
- The Police Department Noise Abatement unit has made analysis and tests and support the project.

- This application is supported by an overwhelming number of people.

(+) Andrew Junius – Representing the Property Owner

- In Bernal Heights, there are apartments above businesses.
- There have been various improvements done to the bar with respect to noise abatement.

(+) Cody Robertson

- He is the general manager of Charlie's club.
- As manager of the Lingba Lounge as well, he has not had any complaints since he obtained that entertainment permit.

(+) Deanna Hoffinger

- She has lived above the bar for over four years.
- She enjoys taking friends after work to the bar.
- The owner has been very good to her.
- The owner has done a lot of soundproofing to the bar.
- The neighborhood is quite wonderful and it is a great destination spot.

(+) Lyndsey Fisher – Charlie's Club

- She is an employee of the bar.
- The owner has done a lot of improvements to the bar.
- It would be a great addition to have DJ music.

(+) Patrick Corcery – Project Owner

- He has been to various community boards.
- He has done everything that was requested of him trying to accommodate everyone's needs.

- He has offered various amenities to the neighbors but some have rejected his offers.

(+) John Stricklin – Property Owner

- He is here in support of the bar owner.
- He has watched the bar owner work so hard and gone through so much to accommodate the neighborhood.
- He hopes that the Commission will approve the project.

(+) Michael Noland

- He lives a few blocks from the bar.
- He is an active member of St. Kevin's Church.
- The bar owner should not be penalized but should be awarded for the hard work.

(+) Terrance Allan – S. F. Late Night Coalition

- In this neighborhood-serving corridor, there are two bars.
- He has observed that the other bar down the street was having live entertainment with open doors and did not have an entertainment permit.

- He is challenged on why the neighborhood would single out someone who has spent a whole lot of money for improvements. Yet these same neighbors are allowing the other bar to go on.

(+) Davy Jones – Housing Rights Association

- He is in support of Charlie's Club.

- Proposition M preserves existing neighborhood serving retail uses.

- He is familiar with how SOMA has grown with entertainment uses.

- He is confident that the project sponsor has been working on lessening the impact of an entertainment use.

- He asked the Commission to support this project and support small businesses.

(+) John Wood – S.F. Late Night Coalition

- This issue is not new and is not limited to SOMA.

- There has been a cultural change--jukeboxes have been replaced by DJs.

- As in the case of Lingba Lounge, when they received their permits, there were no more complaints from the neighbors.

(+) Adam Shandobil

- He used to live in Bernal Heights yet he still goes to Charlie's club.

- Having a DJ will enhance the bar.

- For the success of the neighborhood, he is in full support of this project.

(+) Sandra Martinez

- She was born and raised in the Mission District.

- The bar has been very well run.

- She sees that Bernal Heights is going back up and this place will only add to it.

(+) Peter Dukenor

- He has known the bar owner for many years.

- The bar owner has made a sincere effort to be a good neighbor.

- Charlie's is a warm and friendly environment.

- He strongly supports this expansion and request for an entertainment license.

(+) Joe O'Donaghue

- It is quite obvious that many people oppose entertainment but it is important to support small businesses.

- Bernal Heights can take care of its neighbors.

- The evidence and the record is clear that this permit should be approved.

(+) Dennis Otto

- He sells real estate.

- Charlie's club has helped Bernal Heights to go on the upswing.

- He supports the expansion.

ACTION: Did not take Discretionary Review and approved the project with the following Conditions of Approval:

1. This authorization is granted to change the use and to expand the area of the existing bar to include an "Other Entertainment" use per Planning Code Section 711.48. The property is located in an NC-2 (Small Scale Neighborhood Commercial) Zoning District, and is in a 40-X Height and Bulk District.
2. The door required under Building Permit Application 2003.02.07.7005 will be removed.
3. This authorization applies to Charlie's Club, which is approximately 1,400 square feet. Expansion or intensification of the use shall require proper permits and notification requirements.
4. Hours of entertainment will be limited on weeknights Sunday to Wednesday to 10:30 p.m., Thursday to Saturday until 1:00 a.m.
5. Charlie's Club's live entertainment shall consist of DJs and recorded music, solo musicians, vocalists, and small bands with un-amplified acoustic music.

6. All windows and doors shall remain closed. No windows or doors shall be required to be opened for ventilation purposes.
7. Charlie's Club shall be responsible for nightly cleanup and proper disposal of litter from the sidewalk and curb areas surrounding the premises by 3:00 a.m. following each evening of DJ and live entertainment.
8. The operator of the facility shall maintain the main entrance to the facility and all sidewalks on either side of the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup and disposal, and washing or steam/pressure cleaning of the main entrance and abutting sidewalks at least once each two weeks.
9. Charlie's Club will provide professional security on every night that there is live entertainment. The security guard must be licensed by the State of California. The security guard will require employees and patrons to keep noise levels outside the premises below legal requirements after 10:00 pm.
10. Charlie's Club shall post notices at all entrances and exits urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion, and to please not litter or block driveways.
11. At least one manager/owner will be available during all hours of DJ and live entertainment and that manager shall have possession of a cell phone where the phone number has been distributed to the surrounding neighbors.
12. Until removal by a waste disposal service, all garbage and/or waste containers shall be either (1) kept within the subject building or (2) kept in a sealed enclosure which prevents the emission of any noxious odors, and which may occupy space in the small open space at the rear of the subject property.
13. The Project Sponsor shall appoint a Community Liaison to address issues and matters of concern to nearby residents, property owners, or commercial lessees. This liaison or a designated representative shall be available at the establishment at all times during business hours. The Project Sponsor shall report the name and telephone number of this liaison to the Zoning Administrator for reference.
14. Should the implementation of this project result in complaints from interested property owners, residents or commercial lessees, which are not resolved by the Project Sponsor, and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project, Planning Commission will hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Planning Code to consider revocation of this Use Authorization.
15. The Applicant shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the City and County of San Francisco's Office of the Recorder.

AYES: Antonini, Bradford Bell, Boyd, W. Lee, S. Lee
 NAYES: Feldstein and Hughes

- 18b. 2003.0312D (K. McGEE: (415) 558-6367)
 309 CORTLAND AVENUE - north side between Bocana and Bennington Streets, Lot 17
 in Assessor's Block 5667 - Request for Discretionary Review for Building Permit
 Application No. 2004.02.24.7100, proposing to allow the rear addition to be used by

patrons of the bar in the existing bar "Charlie's Club", per Planning Code Section 312, located in an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with conditions.

SPEAKER(S): Same as those listed for item 18a.

ACTION: See Action for item 18a.

AYES: Antonini, Bradford Bell, Boyd, W. Lee, S. Lee

NAYES: Feldstein and Hughes

19. 2003.0741D (T. TAM: (415) 558-6325)
580 OAK PARK DRIVE - end of Oak Park Drive, a cul-de-sac, 450 feet from the corner of Devonshire Way and Oak Park Drive, located in the Forest Knolls Neighborhood, in a residential enclave between Mount Sutro and the Laguna Honda Reservoir, Lot 30 in Assessor's Block 2676 - Request for Discretionary Review for Building Permit Application No. 2002.12.04.2261, proposing to construct a new three-story-over-garage, single-family dwelling in an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.
 (Continued from Regular Meeting of March 11, 2004)
Note: On March 11, 2004, the Commission received the staff report and heard public testimony regarding the project. Following the Commission's deliberation, the matter was continued to April 1, 2004 and the project sponsor was instructed to meet with neighbors. The Director of Planning was requested to report back on the soil condition. On April 1, 2004 the Commission continued this item to April 22, 2004 without further hearing.

SPEAKER(S): None

ACTION: Without hearing, item continued to June 24, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

20. 2003.0946D (D. DiBARTOLO: (415) 558-6291)
458-460 35th AVENUE - east side between Geary Boulevard and Clement Street: Lot 042 in Assessor's Block 1466 - Request for Discretionary Review of Building Permit Application No. 2003.02.21.8034, proposing to construct a 3' 4" deep, three-level rear horizontal addition with a two-story deck and stairs; and add a new, approximately 830 square foot, partial third floor to a two-story over ground floor structure containing two dwelling units in an RH-2 (Residential House, Two-Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised.
 (Continued from Regular Meeting of March 11, 200)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, W. Lee

ABSENT: S. Lee

21. 2003.1267D (M. SNYDER: (415) 575-6891)
952 DeHARO STREET - west side between Southern Heights Avenue and 22nd Street, Lot 27 in Assessor's Block 4095 - Request for Discretionary Review of Building Permit Application No. 2003.05.29.5746 proposing to construct a new three story dwelling at the

front of a lot where a single-family dwelling exists at the rear of the lot. The property is within an RH-2 (House, Two-family) District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project as modified.

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

22a. 2004.0087D (W. HASTIE: (415) 558-6381)

1311 GUERRERO STREET - east side between 25th and 26th Streets; Lot 30 in Assessor's Block 6532. Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.10.27.8677 to demolish an existing two-family dwelling (the project also proposes the construction of a new three-family dwelling) in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Demolition.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

22b. 2004.0089D (W. HASTIE: (415) 558-6381)

1311 GUERRERO STREET - east side between 25th and 26th Streets; Lot 30 in Assessor's Block 6532. Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new construction as a result of housing demolition, of Building Permit Application No. 2003.10.27.8675 for the new construction of a three-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve the Project as Proposed.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Marilyn Amini

Re: Large Scale Retail Use

- She submitted information related to large scale retail use.
- The draft legislation which was handed out at the Board of Supervisor's hearing last Monday, is a combination of two pieces of legislations from two Supervisors.
- She hopes that the Commission has received information on this.
- Have the most important elements been combined in this legislation?

Alice Barkley

Re: Administrative Issue

- Currently it takes more than two months to get an appointment to file a Conditional Use application or a Variance application.
- At a minimum if a staff is assigned and the project changes, the staff should be allowed to take the application.
- It is ridiculous to wait for two months. There has to be a better way.

Re: Commissioner Feldstein

- She thanked Commissioner Feldstein for her hard work and contribution during this past year.

Adjournment: 5:40 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE
PLANNING COMMISSION ON THURSDAY, MAY 20, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

**SAN FRANCISCO
PLANNING COMMISSION
&
The Peninsula Corridor Joint Powers Board
Meeting Minutes
of
Special Joint Meeting**

DOCUMENTS DEPT.

MAY 28 2004

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Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 22, 2004

6:00 PM

Regular Meeting

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Lisa Feldstein, Kevin Hughes, Sue Lee, William L. Lee

JOINT POWERS BOARD MEMBERS PRESENT: John McLemore, Sophie Maxwell, Jose Cisneros, Michael Burns, Jim Hartnett, Arthur Lloyd

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 6:15 p.m.

PLANNING DEPARTMENT STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Joan Kugler; David Alumbaugh; Dominick Argumedo; Patricia Gerber – Executive Secretary; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

PENINSULA JOINT POWERS BOARD STAFF IN ATTENDANCE: Michael J. Sanlon – Executive Director; David J. Miller – Legal Counsel; Jennifer Buhr – Recording Secretary;

A. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

Sharon Johnson – Senator John Burton's Office

- She read a letter from Senator Burton who is in support of the EIR.

Jim Salinas – San Francisco Building and Construction Trades Council

- He is asking that the Commission and the Board support the EIR.

Emilio Cruz – Vice Chair of SPUR

- He read a letter from SPUR who is in support of the EIR.

Rebecca Kaplan – AC Transit Board of Directors

- It is her believe that San Francisco's most pressing commuter problems are when cars are driven.
- She urged the Commission and the Board to move this EIR forward.
- This project has attracted money from various places and it would be extremely beneficial to allow the project to proceed.

Jane Morrison – San Francisco Democratic Party

- The Democratic Party completely supports the EIR and would like to get this terminal ready for action.
- High-speed rail cannot happen if this project is not approved.

David Schonbrunn - TRANSDEF

- This project ties the region together.
- It is appropriate that this be heard today because it is Earth Day.
- He displayed a photograph of a vacant parking lot near the site where there is yet no construction equipment.
- He urged the Commission and the Board to certify the EIR.

Norman Rolfe – San Francisco Tomorrow

- He urged the Commission and the Board to certify the EIR/EIS.
- The consequences of not certifying these documents could be extreme.
- Failure to implement these documents would cause conflict with Cal Trains and various other transit companies.

Margaret Okuzumi – Executive Director of BayRail Alliance

- They have been involved with this project for many years.
- They previously submitted a letter expressing their support for this project.
- Every detail has been analyzed and comments have been submitted.

Molly Last

- She owns a loft
- She has a lot of concerns about the bus storage.
- The Giants games and families that will have to pass near this storage and will smell the gas and fumes from the buses.
- This is not reasonable

Ken Bukowski – Vice Mayor – City of Emeryville

- San Francisco wants a transit only policy so this EIR should be certified.

David Gleeson

- He lives on 2nd Street and will be affected by the bus storage.
- The EIR does not address the significant issue of the gas fumes.
- The agency should evaluate the issues before certifying the EIR.

Bob Tandler

- He owns property adjacent to the Transbay Terminal.
- He is in favor of the project but the EIR is not sufficient.
- The EIR should consider the issue of taking public land and private land.
- It would be a rush to certify the EIR today.

William Blackwell

- He and his wife are strong advocates of public transit.
- Why not delete the superfluous costs of this project and apply them for other transit needs.

Howard Strassner

- He is very happy to be here in support of an EIR.
- This is a basically great project that will do so much good for the environment.
- Regarding the fumes, San Francisco has passed an ordinance regarding clean air.
- Before this project gets built, diesel will be cleaner than it was before.
- He hopes that the Commission will certify this EIR and get the project started.

Walter Johnson – San Francisco Labor Council

- It is time to get this project moving.
- This has been going on for a long time.
- There is great responsibility here to certify this EIR.

Jim Haas – Transbay Citizen's Advisory Committee

- He urged the Commission and the Board to certify the EIR.
- This Transbay area will create a new neighborhood.
- There is a lot of work to do in the future.
- San Francisco is a major founder of this.

John Spangler – Alameda Transit Advocates

- He hopes that there will be a transit connection from San Francisco to Alameda.
- He urges the Commission and the Board to certify the EIR.
- Alameda Transit Advocates have submitted a letter expressing their support for these documents.

Anthony Bruzzoni – Alameda Transit District Liaison

- He submitted a letter of support for the EIR.
- He urged the Commission and the Board to follow suit of the Redevelopment Agency and certify the EIR.
- The EIR is adequate and complete and follows all the necessary policy decisions.

Maurice Palumbo – Golden Gate Bridge Highway Transportation District

- The district fully supports the EIR and urged the Commission and the Board to certify the EIR.

Matt Mathews

- He is here requesting that the EIR be delayed so that further study can be done.
- The concerns are the bus storage location and how this will have a negative impact.

George Yamas

- He has several problems with the EIR.
- There was a meeting related to this project where it was stated that the buses could not go back during the downtime to their home counties because of air pollution issues. Then it is stated that there won't be pollution issues.
- Even it is stated that there will be low polluting buses, why isn't there a Conditional Use approval for these buses?
- There seems to be a contradiction in all of this.

Jan Mathews

- She has several buildings on Stillman Street.
- There are still questions regarding the emissions of the buses that will be stored.
- She suggested having the bus storage on the third level of the Transbay terminal.
- There are also aesthetics issues that need to be dealt with.

Andrew Sullivan – Rescue MUNI

- This project is crucial to transit riders.
- They have reviewed carefully the EIR and believe that it is a good one.
- This will be a great improvement for this neighborhood.
- The EIR should be approved so that the 80 Natoma project can be dealt with.

Daniel Krause – Rescue MUNI

- He supports the EIR now. Later the 80 Natoma project can be dealt with.
- There should not be any more delay. They will fight any blocks to delay this project.
- By certifying the EIR it will provide an opportunity to resolve this conflict.

Andre Custodia

- He would like to have an extension of the decision to certify this EIR. He just obtained a copy and needs more time to analyze it.

Joyce Roy – Leave of Women Voters of the Bay Area

- They have long advocated for this project because of the importance of regional transit.
- If this project does not get approved, you will forfeit the opportunity of having high-speed rail.

Jack Myers – Myers Development Company

- The EIR and EIS is flawed and does not acknowledge his project going ahead.
- He has purchased a property and has closed on about a million dollars.

- They are particularly offended that his company is involved in condemnation. His company has been in business for 30 years and he has never been involved in a condemnation process.

Andrew Ball – Webcor Builders

- The EIR does not address the entire permitted use of the subject property.
- He has never seen such a flaw as fatal as this.
- They have spent hundreds of hours estimating, awarding subcontracts, etc.
- It takes considerable amount of time to do all this.

Jeffrey Heller

- He is hard pressed to believe that staff's comment about a fully approved project. He feels that this is a mandatory part of an EIR.
- He has received no notice about this. He found out about this meeting at a ULI meeting in 2003.
- If someone had discussed this project with him at that time, the alignment, as it is could have happened, [would not be] the same way it is drawn today.

Steve Atkinson – Stefell, Levitt and Weiss

- He is representing Meyers Development.
- Staff took the position that under CEQA the EIR was not required to consider the impacts on 80 Natoma since it is a vacant lot. This is false.
- The site is not just a vacant lot. Substantial subsurface construction has already begun.
- The Natoma project will have been finished long before the Transbay project will even start.
- He appreciates staff's clarification that there has not been a determination of any feasibility.
- He requests that this certification be delayed.

Erick Lundquist – Project Architect – Heller Manus Architects

- The impact of a fully approved project should be dealt with before approving this project.
- The project of 80 Natoma is a fully compliant project.
- There should be a way to get the Transbay project through if they would just talk to him.

Shepherd Heery

- It is very important that the EIR recognize 80 Natoma as a real project.
- Upon completion in 2006, 80 Natoma will contribute about three million dollars in property taxes.
- This project should therefore not be jeopardized.
- He has been frustrated by the inaccessibility of the rail team.

Elizabeth Carney – Clock Tower

- She thanked project staff for their support.
- She is in support of this EIR.
- There are items that are not considered in the comments section of the EIR.
- It is not enough to count on clear air vehicles. Something creative needs to be done about the fumes.

Ryan Hoover

- He urged the Commission and the Board to certify the EIR and EIS.
- The EIR is legally complete and legally adequate.
- This project should not be delayed any longer.

Scott Mace

- He and his family live in Berkeley.
- This project has some negative impacts for some people but will also provide some benefits for others.
- He urged the Commission and the Board to certify the EIR.

Bruce Barnes

- He owns property on Stilman Street.
- The land use map for Stilman Street is in error because it shows this area is industrial.
- There is also a zoning map that has left out an entire block of Stilman Street.
- He believes that the EIR should be delayed until all these errors have been fixed.

Jeff Dye

- He owns property on Stilman Street.
- There are seven tenants that are unaware of where the bus storage will be relocated.
- He is concerned with the health and safety of his tenants.
- Creating a new neighborhood will take problems from one neighborhood and transferr them to another.

- It is important to figure out where various idling buses will be located.

Jamie Hahme – San Francisco Pacific Medical Center

- She does not understand why this project should be delayed any longer.
- She urged the Commission and the Board to certify this EIR.

Rom Burmigham

- He is a property owner on 2nd Street.
- The biggest problem he has is the amazing destruction from the construction that will happen if this is approved.
- He is amazed that all the ridership numbers are based on the high-speed rail which is something that has not even been proposed.
- He is in favor of the bus terminal but is concerned about the open construction on 2nd Street.
- It will be unbelievably disruptive.

Robert Meyers – Transbay Citizen's Advisory Committee

- He served on this committee for 12 years.
- Natoma has always been a housing site.
- He urged the Commission and Board to delay the decision of this EIR for a brief time.

Adrian Brant – Train Riders Association of California

- This project is a key to a few of the top rolls they have been working on for a few years.
- He urged the Commission and the Board to certify the EIR this evening.
- This is a major deal. If this is not certified because of some development, the legacy will be really bad.

Lock Holmes

- He urged the Commission and the Board not to certify the EIR/EIS because it is defective.

John Kaufman

- He opposes this certification of the EIR for several reasons.
- The terminal will be replaced so the design should be functional.
- The public has the right to know that there are alternatives to this project.

Tom Radulovich – BART Board of Directors

- He is glad to be hear on Earth Day as the EIR is moved forward to the next step.
- The voters have spoken and really would like to move this project forward.
- This EIR/EIS is in good order and meets the spirit of Proposition M and Proposition K.

John Bacan

- He noticed in the EIR that after spending billions of dollars there will be a net increase in link transit trips of 10,000 a day in the area. This works out to about 180,000 capital costs per new riders.
- He agrees that CalTrain should be upgraded but it should be done a lot smarter and a lot cheaper.

Jeff Carter

- He strongly urges the Commission and Board to certify the EIR.
- This is a very important project and it will give San Francisco a world-class terminal.
- Downtown San Francisco should have a rail destination.

Norman Weil

- He owns property--an office building on 2nd Street and Howard.
- There is a lack of notice that property owners received.

Mark Janus

- He lives in San Francisco and rides CalTrain to go to the peninsula.
- Pollution throughout the Bay Area will be lower because of this project.
- It seems clear that certifying the EIR is what the City needs.

Richard Mynarik

- He is in support of the EIR. It meets all the legal requirements.

John Gasser – Adolf Gasser

- In the Business Times he found out that he was building No. 21, which would be removed.
- He was not directly notified.
- He has been at that location since 1975. It is important to know what is underneath the street. On 2nd Street there are hundreds of phone lines.

- It is important to do the Transbay terminal, which will not conflict with the Natoma project, but rethink the Cal Train extension.

Michael Keasling – Cal Train CAC

- He would like the Commission and Board to certify the EIR.
- Various transportation entities have come together to support his project – how often does this happen?
- Everyone is working together to get money and move this project forward.
- Every delay for this project is affecting the public.

Maria Ayourdy – Executive Director of the Joint Powers Board

- She thanked everyone for their hard work on this project.
- This project and the associated environmental review is a product of many years of hard work.
- The process has been fair and has complied with all CEQA laws.

B. REGULAR CALENDAR

2000.048E (J. A. KUGLER: (415) 558-5983)
TRANSBAY TERMINAL/CALTRAIN DOWNTOWN EXTENSION/REDEVELOPMENT PROJECT - Certification of the Final Environmental Impact Report. A joint EIS/EIR has been prepared for this project. The proposed project has three major components: the construction of a multi-modal Terminal on the site of the present Terminal (that would be demolished) at Mission and First Streets; an underground extension of Caltrain commuter rail service from its current San Francisco terminus at Fourth and Townsend Streets to a new terminus underneath the proposed new Transbay Terminal; and establishment of a Redevelopment Area Plan with related development projects, including transit-oriented development in the vicinity of the new multi-modal Transbay Terminal. The proposed Redevelopment Area would generally be bound by Mission, Main, Spear, Folsom, Essex, I-80, Second and Minna Streets while the Caltrain track alignment is under Townsend and Second Streets. Other subordinate components of the project include a temporary bus terminal facility at Beale and Folsom Streets to be used during construction of the new Transbay Terminal; a permanent off-site bus storage/layover facility; reconstructed bus ramps leading to the new Transbay Terminal; and a redesigned Caltrain storage yard.

Preliminary Recommendation: Certify Environmental Document

NOTE: Public Hearing Closed.

SPEAKER(S): None

ACTION: Certified

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16773

ADDENDUM ITEM:

2. 2004.055M (D. ARGUMEDO: (415) 558-6284)
TRANSBAY REDEVELOPMENT PROJECT AREA PRELIMINARY PLAN - FORMULATION OF PRELIMINARY PLAN AND FINDING OF GENERAL CONSISTENCY WITH THE GENERAL PLAN. All, or portions of Assessor's Blocks 3718, 3719, 3720, 3721, 3736, 3737, 3738, 3739, 3740, 3749 and 3764; being generally the area bounded by Mission, Main, Folsom and Second Streets, together with a portion of the Block bounded by Howard, Spear, Folsom and Main Streets, and a portion of the Block bounded by Folsom, First, Harrison and Second Streets. Formulation of a Preliminary Plan for the Transbay Redevelopment Project Area, as revised from a

previous Preliminary Plan (February 22, 2001), and finding said revised Preliminary Plan to be generally consistent with the San Francisco General Plan.

Preliminary Recommendation: Adopt Resolution formulating Preliminary Plan and finding said plan generally consistent with General Plan

SPEAKER(S): None

ACTION: Adopted

AYES: Antonini, Bradford Bell, Boyd, Feldstein, Hughes, S. Lee, W. Lee

MOTION: 16774

C. PUBLIC COMMENT

At this time, members of the public may address the Joint Commissions on items of interest to the public that are within the subject matter jurisdiction of the Joint Commissions except agenda items.

None

Adjournment: 9:30 p.m. (in honor of Commissioner Feldstein)

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, MAY 20, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, May 6, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT

JUN - 8 2004

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Michael J. Antonini, Edgar E. Boyd, Kevin Hughes, William L. Lee
COMMISSIONERS ABSENT: Shelley Bradford Bell and Sue Lee

THE MEETING WAS CALLED TO ORDER BY ACTING PRESIDENT KEVIN HUGHES AT 1:37 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Steve Shotland; Jonas Ionin; Glenn Cabrerros; Dan Sirois; Dan DiBartolo; Paul Lord; Tina Tam; Mary Woods; Michael Li; Matt Snyder; Adam Light; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.0846C (F. JONES: (415) 558-6477)
1298 OCEAN AVENUE, northeast corner of Ocean Avenue, and Plymouth Avenue, Lot 017, Assessor's Block 3199 - Request for Conditional Use Authorization pursuant to Sections 711.83, 711.11 and 711.21 of the Planning Code for the establishment of a 6,100 square foot public library branch on a vacant 11,120 square foot corner lot previously occupied by an auto repair garage, in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions.
(Proposed for Continuance to June 3, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 3, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

2. 2003.1254D (E. TOPE: (415) 558-6316)
170 ST. GERMAIN AVENUE - north side at Glenbrook Avenue; Lot 009 in Block 2708 - Request for Discretionary Review of Building Permit Application No. 2003.07.31.0905, proposing to construct a one story horizontal and a one story vertical addition to an existing two story over basement single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
(Continued from Regular Meeting of April 8, 2004)
(Proposed for Continuance to June 10, 2004)
SPEAKER(S): None
ACTION: Without hearing, item continued to June 10, 2004.
AYES: Antonini, Boyd, Hughes, W. Lee
ABSENT: Bradford Bell and S. Lee
3. 2003.0660C (G. NELSON: at (415) 558-6257)
3740-3742 GEARY BOULEVARD - north side between Arguello Boulevard and Second Avenue; Lot 012 in Assessor's Block 1433 - Request for Conditional Use authorization pursuant to Section 161(j) of the Planning Code to construct a 4-story mixed-use building with no off-street parking spaces within an NC-3 (Moderate Scale Neighborhood Commercial) District and an 80-A Height and Bulk District. An existing single-story commercial structure ("White Caps Café") will be demolished. The replacement building will contain a restaurant at the first (ground) floor, and four dwelling units at the upper three floors. Conditional Use authorization is required to reduce the residential off-street parking requirement of the new structure from 4 spaces to none.
Preliminary Recommendation: Approval with conditions.
(Proposed for Continuance to June 17, 2004)
SPEAKER(S): None
ACTION: Without hearing, item continued to June 17, 2004.
AYES: Antonini, Boyd, Hughes, W. Lee
ABSENT: Bradford Bell and S. Lee
4. 2001.0249CV (A. LIGHT: (415) 558-6254)
605 KEARNY STREET - west side between Sacramento and Commercial Streets, Lot 7, in Assessor's Block 226 - Request for a Conditional Use authorization for a building exceeding 35 feet in height, and for required rear yard and parking variances for a building in the Chinatown Community Business (CCB) Zoning District and a 50-N Height and Bulk District. The Variance application will be considered by the Zoning Administrator concurrently at the same hearing with Conditional Use authorization. The proposal is to add one four-story dwelling unit to an existing one-story commercial building on a small, approximately 700 square foot, 29.5-foot deep lot. The commercial unit on the ground floor would remain. No parking would be provided. A Conditional Use authorization is required in the Chinatown Community Business Zoning District for any building exceeding 35 feet in height. The building would be 50 feet in height with the proposed addition. The addition, like the existing commercial building would cover the entire small site. Therefore, both a parking and a rear yard variance would be required. Required open space would be provided on a rooftop terrace.
Preliminary Recommendation: Pending
(Proposed for Continuance to June 17, 2004)
SPEAKER(S): None
ACTION: Without hearing, item continued to June 17, 2004.
AYES: Antonini, Boyd, Hughes, W. Lee
ABSENT: Bradford Bell and S. Lee

5. 2003.0607C (T. TAM: (415) 558-6325)
306 RANDOLPH STREET - north side of Randolph Street, between Ramsell and Victoria Streets, Lots 51 and 56 in Assessor's Block 7088 - Request for Conditional Use authorization pursuant to Planning Code Sections 209.3(c), 710.11, and 710.21 to establish an institutional use (residential care facility for up to 56 persons) in an existing two-story commercial building currently owned and occupied by the Yeo Lai Sah Buddhist Temple. The project will also include a lot line adjustment between Lots 51 and 56. The property is located in NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.
(Continued from Regular Meeting of March 4, 2004)
(Proposed for Continuance to July 15, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to July 15, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

6. 2004.0192D (E. TOPE: (415) 558-6316)
593-595 26TH AVENUE - west side between Anza Street and Geary Boulevard; Lot 015C in Assessor's Block 1518 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2003.10.28.8782, proposing to merge two dwelling units to create a single-family dwelling in an RM-1 (Residential, Mixed, Low Density District) and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Disapprove the merger.
(Continued from Regular Meeting of March 25, 2004)
BUILDING PERMIT APPLICATION HAS BEEN WITHDRAWN BY THE APPLICANT.

SPEAKER(S): None

ACTION: Building Permit Application was withdrawn by Applicant.

B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption – Draft Minutes of March 18, April 1, and April 8, 2004.

Minutes of April 1, 2004:

SPEAKER(S): None

ACTION: Without hearing, item continued to May 13, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

Minutes of March 18 and April 8, 2004:

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

8. Commission Comments/Questions
None

C. DIRECTOR'S REPORT

9. Director's Announcements
- He is glad to be back after a week off on vacation.

Re: Discretionary Reviews

- The full cost recovery of all mandatory discretionary reviews starting on June 1, 2004. This has been implemented on demolitions since January 1, but not yet on unit mergers.

Re: Housing Element

- Next week the Housing Element and negative declaration will come before the Commission.
- Case reports are being made available to the public as he speakers.
- There are about 10 pages of proposed modifications available for review.

Re: Simple and Complex Discretionary Reviews

- This will be scheduled on May 20, 2004.

Re: Fee Package

- On May 27, 2004, there will be a fee package that blends into the Mayor's proposed budget.
- Last year the fee package ran into some legal issues before the Board of Supervisors.
- Staff has been working very closely with the Mayor's office on this.

John Bardis – Inner Sunset Action Committee*Re: Scheduling the Housing Element*

- They have been concerned about when the Housing Element will be scheduled.
- The point is that this item does have precedent.
- He can understand when there is no controversy and a judicious move has to be done.
- There is actually a very urgent appeal and it should have a separate hearing.
- So the question comes up is everything being done properly?

Marilyn Amini*Re: Miscellaneous Planning Matters*

- Acting Director Badiner stated that there was no Board of Supervisors Meeting when there was.
- At that hearing there were about 70 pieces of property that were transferred.
- All of these properties have a specific area where neighbors should be notified.
- She came to the Planning Department to ask for information on the NEMIZ and waited for about an hour but was later told that she was not able to receive a copy.
- When the item of the Housing Element is scheduled it should be timely because information has not been made available to the public and the hearing is next week.

10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS – None (May 3, 2004)

BOA – None**BOS – April 26, 2004***Re: Large Scale Retail (aka Big Box Retail)*

- This was heard by the Land Use Committee and passed out.
- For areas outside of the downtown, this legislation would require a Conditional Use for spaces of more than 50,000 square feet. It would prohibit any use in excess of 120,000 square feet.
- In the downtown area, it would require a Conditional Use for any use larger than 90,000 square feet and prohibit any use of more than 120,000 square feet that sells groceries and other uses.
- It would also allow people to move and re-tenant when there is a large store and another similar store is moving in.
- It adds criteria for the Conditional Use for this specific usage. It would require that the Commission consider if there is an active street frontage, a change in traffic patterns,

mixed use business opportunities, etc. This will be forwarded to the full Board of Supervisors and heard on May 11, 2004.

Re: 2599 Lombard Street

- This will be heard by the full Board on Tuesday, May 11, 2004.
- This is an appeal of a Conditional Use for an antenna.

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

None

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

11. 2002.0914R (D. ARGUMEDO: (415) 558-6308/S. SHOTLAND: (415) 558-6284) 675 TOWNSEND STREET - south side between 7th and 8th Streets; Lot 007 in Assessor Block 3799. The project is related to Planning Case No. 1998.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard. The subject property (675 Townsend Street) is in an M-2 (Heavy Industrial) District and a 40-X/50-X (Height and Bulk) District.

Preliminary Recommendation: Find the proposal not in conformity with the General Plan (Continued from Regular Meeting of April 22, 2004)

NOTE: On April 1, 2004, following public testimony, the Commission closed public hearing. The Commission entertained a motion to find this project not to be in conformity with General Plan by a vote +3 -2. Commissioners Antonini and Bradford-Bell voted no. Commissioners Boyd and Hughes were absent. The motion failed. The matter was continued to April 8, 2004 by a vote +5 -0 to allow the absent commissioners to participate in the final action. Commissioners Boyd and Hughes were absent.

NOTE: On April 8, 2004, the Commission passed a motion of intent to approve by a vote of +6-1; Commissioner Feldstein voted against. Final Language: April 22, 2004 for final language.

NOTE: On April 22, 2004, the item was continued to May 6, 2004 without further deliberation.

SPEAKER(S): None

ACTION: Hearing Held. Public Comment Remains Closed. Item continued to May 13, 2004 to receive information from the project's Structural Engineer.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

F. REGULAR CALENDAR

12. 2002.0731D (J. IONIN: (415) 558-6309) 3410 CALIFORNIA STREET - north side between Laurel and Locust Streets; Lot 009 in Assessor's Block 1019 - Request for Discretionary Review of Permit Application No.

2001.05.14.9020, proposing to construct a new four unit building in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take DR and approve with modifications.
 (Continued from Regular Meeting of March 11, 2004)

SPEAKER(S):

(-) Steve Schroeder – Representing the Discretionary Review Requestor

- He agrees with the recommendation from staff but is still concerned with the fourth floor.
- The character of the neighborhood is mainly three story buildings.
- He feels that only this block should be considered when comparing the subject property to the rest of the properties.
- The fourth story should not be added to this building.
- The new building will totally dwarf the adjacent building.

(-) Bill Petru – Discretionary Review Requestor

- He displayed a photograph taken from his bathroom window showing the proposed project overlaid on the existing building.

(-) Charles Gisaifu

- He displayed a photograph of the street face showing how the proposed house will look after construction compared to the other homes.
- He displayed a photograph of the street where the proposed project will be located.

(+) Jeremy Paul

- He is puzzled by Planning staff's presentation and conclusions when it is stated that the proposed project will not have an impact on the adjacent properties and the project is being scaled back a few feet.
- Laurel Street is a very busy transit corridor.
- He gave a PowerPoint presentation displaying drawings and photographs of how the project has been modified to accommodate actual impacts on adjacent properties.

(+) Carol Ruth Silver

- She owns the building that is immediately to the left of the lot for the proposed structure.
- This area is a mixed residential, office, and retail area. There are a variety of very busy retail shops. It is very difficult in San Francisco to build.
- She has seen the plan and whenever she has had concerns, the project sponsor has been able to accommodate her.
- She urged the Commission to approve this project.

ACTION: Took Discretionary Review and approved the project with the following additional conditions: 1) penthouse roof top should be sloped over the adjacent stairs where possible; 2) require that the windows be recessed at least three inches; 3) require a parking lift, making sure that it is placed at the end of the construction; 4) require a one hour rated roof and remove parapet; 5) bring height down to 37 feet.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

- 13a. 2004.0063D (G. CABREROS: (415) 558-6169)
141 WILLARD NORTH STREET - west side between Turk Street and Golden Gate Avenue; Lot 005 in Assessor's Block 1142 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2003.05.22.5283, proposing to demolish an existing two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove demolition.
 (Continued from Regular Meeting of March 25, 2004)

SPEAKER(S):

(+) Tony Pantaleoni – Project Architect

- This is the first project that he has had that staff has not agreed with the soundness report.
- This fails to meet the requirements of demolition because of the soundness report.
- Preliminary plans were designed. Then it was found out that the soundness report did not meet the current soundness guidelines.
- There are some inadequacies with the project: The lower unit is only 448 square feet; only a one car garage; there is a need to walk through a unit to get to another unit; etc. The kitchen and dining area is only 140 square feet.
- The building was built in 1922 as a single family unit. The unit at the rear was added in 1954, perhaps for a relative or a son.
- The current owners use it as a sound studio.
- The bedroom/living room is a good size. It was possibly intended as an in-law unit.
- The upper unit is 1,100 square feet but the bedrooms are very small. The kitchen is an inadequate kitchen.

(+) Mike Rafferty – Project Sponsor

- In November 2002 he started looking at properties and decided to purchase the current property.
- After various issues regarding paperwork on this project with the Planning Department, which lasted about six months, he is just now having a hearing on it.
- He has submitted plans with the soundness reports and suddenly the rules have changed.
- He did not know that the project was going to be reviewed under a different set of rules.

(-) Cheryl Duperrault

- She questions the report on the soundness of the demolition.
- It would be a shame to allow this project to be demolished.
- The unit down below was rented out and the person who rented it out passed away.
- She feels that the repairs to the unit are cosmetic. She feels strongly about maintaining the home since there are so many Victorian homes that have been demolished.
- She has worked hard to maintain the property.

ACTION: Public Hearing Closed. Item Continued to May 27, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

- 13b. 2004.0064D (G. CABREROS: (415) 558-6169)
141 WILLARD NORTH STREET - west side between Turk Street and Golden Gate Avenue; Lot 005 in Assessor's Block 1142 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolitions, of Building Permit Application No. 2003.05.22.5280, proposing to construct a new four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove the application.
 (Continued from Regular Meeting of March 25, 2004)

SPEAKERS: Same as those listed for item 13a.

ACTION: Public Hearing Closed. Item Continued to May 27, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and W. Lee

- 14a. 2003.0628D (D.SIROIS: (415) 558-6313)
1478 12th AVENUE - east side, between Kirkham & Judah, Lot 026, Assessor's Block 1842 - Mandatory Discretionary Review under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application 2003.05.09.4260,

to demolish an existing one-story plus basement single-family dwelling in an RH-2 (Residential House, Two-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the Demolition Permit.

SPEAKER(S):

(+) **Dick Wong – Project Architect**

- This project has been around for quite some time.

- The original proposal has changed since they met with neighbors so there have been revisions.

- He is available for questions.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

- 14b. 2003.0091D (D.SIROIS: (415) 558-6313)
1478 12th AVENUE - east side, between Kirkham & Judah, Lot 026, Assessor's Block 1842 - Mandatory Discretionary Review under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.05.09.4271, proposing to construct a three-story, two-family residential structure with two off-street parking spaces in an RH-2 (Residential House, Two-Family) District and in a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the New Construction Permit.

SPEAKERS: Same as those listed for item 14a.

ACTION: Take Discretionary Review and Approve the Project with the Following Modifications: 1) widen garage; 2) eliminate ½ bathroom on the rear of the first floor; 3) recess windows 3 inches; 4) approve materials authorized by staff.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

- 14.1 **(From the Addendum)** (L. BADINER (415) 558-6411)
 Consideration of initiation of amendments of the San Francisco Planning Code by adding Section 358 to impose a fee surcharge on projects in certain areas to recover the City's actual costs in developing an area plan or rezoning study or preparing a programmatic environmental document for that area; amending the San Francisco Administrative Code by adding Section 10.100-___ to establish a special fund to receive the cost recovery fees and other moneys and to fund the development of future area plans, rezoning studies and programmatic environmental documents; and adopting Section 302 findings.

SPEAKER(S): None

ACTION: Initiation Approved

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

MOTION: 16775

- 15a. 2004.0116CV (D. DiBARTOLO: (415) 558-6291)
528 DIVISADERO STREET - east side between Fell and Hayes Streets; Lot 021 in Assessor's Block 1203: Request for Conditional Use authorization under Section 711.24 of the Planning Code to add an Outdoor Activity Area in the rear yard of the new Full-Service Restaurant (Zeriab). The project would add an approximately 200 square foot seating area with three tables and 12 chairs at the rear yard, for the use of the ground

Section 304.5 (d). The purpose of this hearing is for the receipt of public testimony only, and shall in no way constitute an approval or disapproval of the institutional master plan by the Planning Commission.

Preliminary Recommendation: No Commission Action is required.

SPEAKER(S): None

ACTION Without hearing, item continued to May 20, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

18. 2004.0185C (T. TAM: (415) 558-6325)
3991 ALEMANY BOULEVARD (aka 3911 ALEMANY BOULEVARD) - south side between Worchester Street and St. Charles Avenue, Lot 12 in Assessor's Block 7126A - Request for Conditional Use Authorization under Planning Code Section 713.43 for the proposed establishment of a large fast food restaurant (Extreme Pizza), approximately 1,472 square feet in size, operating between 11:00 a.m. to 10:00 p.m., in an NC-S (Neighborhood Commercial-Shopping Center) District and 40-X Height and Bulk District. The restaurant location is near the shopping center entrance off of Worchester Street. Preliminary Recommendation: Approval with conditions

SPEAKER(S):

(+) **Todd Parent – Project Sponsor**

- He has lived in the City for the last 12 years and has sold pizza for about 10 years.
- The pizza has been well received by the residents of San Francisco and has won numerous awards.
- He will be hiring employees locally.

(+) **Jim Ryan**

- He has lived in San Francisco for about 12 years.
- He was first a customer of Extreme Pizza and now he is a team member.
- He has since worked with charities and schools and has developed programs to benefit schools.
- They work with various charities in San Francisco.
- He feels that Extreme Pizza will be well received here.

(+) **Susan Dumbar**

- She has worked for Extreme Pizza for about 10 years.
- Extreme Pizza will be a positive addition to the area.

(+) **Tom Devine**

- He works in the South of Market Area.
- Extreme Pizza has been a great source for eating gourmet pizza.
- Extreme Pizza has worked well with residential areas.

(+) **Fred Ponce – Applicant and Owner/Representative**

- He read a letter from a member of the public who is in support of opening Extreme Pizza in the Ocean View Village.
- He is an architect, although not the architect for the project, and is available if the Commission has any questions.

ACTION Approved

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

MOTION: 16778

- 19a. 2003.1241CV (M.WOODS: (415) 558-6315)
1447 - 1449 LOMBARD STREET - south side between Van Ness Avenue and Franklin Street; Lot 104, in Assessor's Block 0503 - Request for Conditional Use authorization under Planning Code Sections 161(j) and 303 to waive the two-car parking requirement for the proposed conversion of office spaces to two dwelling units on the second and third

floors of an existing three-story building with a full-service restaurant on the ground floor. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

SPEAKER(S): None

ACTION Without hearing, item continued to June 10, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

- 19b. 2003.1241CV (M.WOODS: (415) 558-6315)
1447 - 1449 LOMBARD STREET - south side between Van Ness Avenue and Franklin Street; Lot 104, in Assessor's Block 0503 - Request for rear yard and non-complying structure variances for the proposed conversion of office spaces to two dwelling units on the second and third floors of an existing three-story building with a full-service restaurant on the ground floor. The proposed conversion would not alter the configuration of the existing building. Because the existing building already encroaches into the required rear yard, it is considered a legal, non-complying structure, and the conversion of the two upper floors from commercial use to residential use triggers these variances. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.

SPEAKER(S): None

ACTION Without hearing, item continued to June 10, 2004.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

- 20a. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for a General Plan Referral to determine if the construction of a wireless telecommunications facility for Cingular Wireless on the 5th & Mission Garage is in conformity with the objectives and policies of the General Plan.
 Preliminary Recommendation: Determination that the project is in conformity with the objectives and policies of the General Plan.
 (Continued from Regular Meeting of April 1, 2004)

SPEAKER(S):

(+) Derrell Doherty – Representing Cingular Wireless

- He is available for questions.

ACTION Determined that the project is in conformity with the General Plan.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

MOTION: 16779

- 20b. 2003.1181KCR (M. LI: (415) 558-6396)
801-825 MISSION STREET - the entire block bounded by 4th, Minna, 5th, and Mission Streets, Lot 067 in Assessor's Block 3724 - Request for conditional use authorization to install a wireless telecommunications facility for Cingular Wireless consisting of one antenna and two equipment cabinets on the 5th & Mission Garage. The antenna will be façade-mounted against an existing elevator penthouse on the roof of the garage, and the equipment cabinets will be located adjacent to the same penthouse. The project site is within a P (Public) District and a 90-X/160-F/340-I Height and Bulk District. The

proposed facility meets Location Preferences 1 and 2 of the WTS Facilities Siting Guidelines.

Preliminary Recommendation: Approval with conditions
(Continued from Regular Meeting of April 1, 2004)

SPEAKER(S): Same as those listed for Item 20a.

ACTION Approved

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

MOTION: 16780

21. 2003.1047C (M. SNYDER: (415) 575-6891)
3372-3378 MISSION STREET (aka 3350 MISSION STREET) - dba "Safeway" west side between 29th Street and 30th Street, Lot 55 in Assessor's Block 6635 - Request for Conditional Use authorization under Planning Code Section 712.83 and 790.80 to install a total of six panel antennas and associated equipment cabinets, as a part of a wireless transmission network operated by Cingular Wireless. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 40-X Height and Bulk District. Pursuant to the WTS Facilities Guidelines, the project is a Preference 4 Location Site, a wholly commercial building.
 Preliminary Recommendation: Approval with conditions
 (Continued from Regular Meeting of April 1, 2004)

Please note that this item followed item 22.

SPEAKER(S):

(+) Darrel Doherty – Representing Cingular Wireless

- After meeting with a member of the public who expressed issues related to noise from the radio cabinets, the cabinets were moved to the opposite side of the building.
- He displayed a map of the area where there is weak coverage.
- The Safeway facility has a very substantial setback from the surrounding residential uses.
- The site will dramatically improve coverage in the area.

ACTION Approved

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

MOTION: 16782

22. 2003.1184X (A. LIGHT: (415) 558-6254)
524 POST STREET - north side between Mason and Taylor Streets, Lot 5, in Assessor's Block 297 - Request under Planning Code Section 309 (Downtown Code) for Determinations of Compliance and Exceptions, including an exception for a building exceeding 80 feet in a 80-130-F District for a building in a C-3-G District. The proposal is to modify plans for which a building permit has already been approved for the renovations of the existing Olympic Club building in order to increase and relocate the handball courts to the highest level of the building and add up to 4,176 feet of gross floor area, the maximum allowable amount remaining for the site. The proposal would involve an increase in the height of the rear portion of the existing building at 524 Post Street by 12 to 27 feet to a maximum height of 113 feet, depending on the particular location, in order to have a complete sixth level across the rear of the site that would accommodate the handball courts. The remainder of the building would be fully renovated and seismically strengthened in accordance with the existing, approved building permit, with revisions to the internal layouts to accommodate reorganization of certain spaces.
 Preliminary Recommendation: Approval

Please note that this item followed item 20.

SPEAKER(S):

(+) John Sanger

- The staff report is complete.
- He and the project architect are available for questions.

ACTION

Approved

AYES:

Antonini, Boyd, Hughes, W. Lee

ABSENT:

Bradford Bell and S. Lee

MOTION:

16781

6:00 P.M.

23.

(L. BADINER: (415) 558-6411)

CONSIDERATION OF ADOPTION OF REVISIONS TO THE BOUNDARIES FOR SECTIONS OF THE EASTERN NEIGHBORHOODS - South of Market (generally bounded by Mission, 7th Street, Freeway 80, 4th Street, the Embarcadero, and Folsom). Public hearing on and consideration of amendments regarding the boundaries of the SOMA area excluded from the Eastern Neighborhoods EIR and Eastern Neighborhoods policies, adopted under Planning Commission Motion 16726. The proposal is to exclude areas west of 4th Street and east of Division Street, except the South of Market Earthquake Recovery Redevelopment Project Area from the EIR and Policies.

SPEAKER(S):

Jim Meko – SOMA Leadership Council

- The Planning Department's community planning process in SOMA was a failure.
- The SOMA community decided to move forward and do better.
- There was a compromise to draw a line down the middle of Fourth Street and it was decided to let SOMA east of that move ahead, while west of Fourth Street, with the exception of the SOMA PAC, would be removed until there could be some real comprehensive planning done.
- His highest priority is to keep Folsom Street as far east as Fourth Street in the planning process.
- Folsom is going to be the heart of the new South of Market and they will want to have a say in this.
- No one asked for Core PDR anywhere in SOMA.
- He wants a coherent community and not just the leftovers to work with.

Bob Meyers – Yerba Buena Lofts Homeowners Association

- The residents of the south side of Folsom Street and the north side of Clara request that there the two blocks between Fourth and Fifth Street remain in the housing mixed use boundaries that were approved last February and stay included in the EIR.
- He asked that the Commission approve the compromise provided by the community.

Jeffrey Liebovitz – Rincon

- He thanked Jim Meko for pulling together various community meetings.
- Everyone has worked hard for many years to reach a compromise that will benefit everyone.
- He displayed a map showing Fourth Street requesting to be inclusive of both sides of Fourth Street.
- It makes sense to include both sides of Fourth Street going north.

Ed Townsend

- He seconds the comments of Bob Meyers.
- He would like to keep the boundaries proposed by the community.

David Wilbur – SOMA PAC

- He is the most permissive of all the speakers. He supports the decision from staff.
- To eliminate the blocks from Clementina to the bridge makes absolutely no sense. These blocks should be included in the EIR.

- There are some small blocks on the south side of Harrison Street. If these blocks are not looked at through this process, they will never be looked at again.
- There is some pressure being [exerted] by some very powerful Supervisors on members of Planning saying that if staff does not do what they want, they will be messing around with funding. It is important for staff members to stand up and do the right thing.

ACTION Approved as Amended: The parcels between Clara and Harrison and 4th and 5th Streets and the parcels between Harrison Street and Interstate 80 and 4th and 7th Streets are now excluded from the Eastern Neighborhoods environmental review process and the Eastern Neighborhood Policies.

AYES: Antonini, Boyd, Hughes, W. Lee

ABSENT: Bradford Bell and S. Lee

MOTION: 16783

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

NONE

Adjournment: 6:32 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 3, 2004.

SPEAKERS: None

ACTION: Approved with Amendments

AYES: Antonini, Boyd, Hughes, W. Lee

EXCUSED: Bradford Bell and Sue Lee

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, May 13, 2004

1:30 PM

Regular Meeting

JUL 14 2004

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Kevin Hughes, Sue Lee,
William L. Lee

COMMISSIONERS ABSENT: Edgar E. Boyd

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:43 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Geoffrey Nelson; David Alumbaugh; Miriam Chion; Paul Maltzer; Susan Exline; Michael Li; Sara Vellve; Lois Scott; Adam Light; Mark Sprick; Nannie Turrell; Rick Cooper, Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 0.1 2003.1028E (J.A. KUGLER; 558-5983)
3150 18TH STREET - Lots 002 and 012 of Assessor's Block 3573, northwestern corner of 18th Street and Treat Avenue - **Appeal of Preliminary Negative Declaration** for the proposed project would involve the demolition of a set of two-story light industrial office and warehouse buildings with six off-street parking spaces and construction of a five-story building consisting of approximately 254 units of rental workshops for arts activities, light manufacturing, repair and small business services uses and a single caretaker's unit. The total floor area of the new building would be about 72,592 gs. The second through fifth floors would be set back between 12 and 16 feet over the 16 foot tall podium of the ground floor. The proposed building would be approximately 50 feet tall. Pedestrian access would be provided from Treat Avenue while vehicular access would be provided from 18th Street to a ground level garage with 50 off-street parking spaces, a single loading space and six bicycle spaces. The project site is in an M-1 (Light Industrial) Zoning District, and a 50-X height and bulk district. It is also within the Eastern Neighborhoods study area.

Preliminary Recommendation: Uphold Preliminary Negative Declaration.
(Proposed for Continuance to June 24, 2004)

Item 0.1 was transferred from the Addendum

SPEAKER(S): None

ACTION: Without hearing, item continued to June 24, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

1. 2004.0058D (D.SIROIS: (415) 558-6313)
1430 43RD AVENUE - east side, between Kirkham & Judah, Lot 038, Assessor's Block 1811 - Request for Discretionary Review of building permit application no. 2003.09.04.3873 seeking to construct a vertical addition and lateral addition on an existing single-family dwelling in an RH-1 (Residential House, Single-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve permit with modifications.

(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 27, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

- 2a. 2003.0304E (J. NAVARRETE: (415) 558-5975)
829 FOLSOM STREET - New Construction of 69 Residential Units: **Appeal of Preliminary Negative Declaration.** The proposed project is new construction of 69 residential units in a nine-story, 80-foot tall, approximately 92,900 gross square-foot building covering a 10,313 square-foot site. A public parking lot currently occupies the project site, which would be demolished. About 63 parking spaces would be located in a basement-parking garage with parking entrances/exits on Shipley Street. There would be about 5,000 sq. ft. of ground floor retail space on Folsom Street. Pedestrian access would be on Shipley and Folsom Streets. The proposed project would require Conditional Use authorization for the project's proposed height above 40 feet. The project site is lot 91 in Assessor's Block 3752, on the south side of Folsom Street with street frontage also on Shipley Street, between Fourth and Fifth Street, within a South of Market Residential/Service District (SOM RSD) and a 40-X/85-B Height and Bulk District. Preliminary Recommendation: Uphold the Preliminary Negative Declaration
(Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to May 27, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

- 2b. 2003.0304QV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - Request for Conditional Use authorization under Planning Code Sections 157, 207.5, 263.11, and 271 to construct an 85-foot-tall, nine-story building exceeding bulk limits, for a mixed-use development with up to 70 dwelling units, up to 5,000 gross square feet of ground floor retail commercial space, and a 62-space parking garage exceeding accessory amounts. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. Preliminary Recommendation: Pending
(Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to May 27, 2004)

- SPEAKER(S): None
ACTION: Without hearing, item continued to May 27, 2004
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd
- 2c. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - The proposal is to construct a mixed-use development with up to 70 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. Variances are sought from the bay window projection limitations of Section 136(c)(2)(B) and from dwelling unit exposure requirements of Section 140(a)(2). The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.
(Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 27, 2004
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

3. 2004.0216D (S. SNYDER: (415) 558-6543)
9 RHODE ISLAND STREET - East side between Southern Heights Avenue and 22nd Streets; Lot 44 in Assessor's Block 4095 - Request for Discretionary Review of Building Permit Application No. 2003.10.29.8840, proposing to raise the walls and create a gable roof on a dwelling in an RH-2 (House, Two Family) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take DR and approve revised building permit application as submitted.
(Proposed for Continuance to May 27, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to May 27, 2004
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

4. 2004.0163D (G. NELSON: (415) 558-6257)
2244 STEINER STREET - east side between Clay and Sacramento Streets; Lot 025 in Assessor's Block 0630 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of Dwelling Unit Mergers, of Building Permit Application 2004.01.12.3872, proposing to convert a three-family dwelling to a single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the application as submitted.
(Proposed for Continuance to June 3, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 3, 2004
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

- 5 2003.0587HXVLU (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET - north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets (the lot and structure are L-shaped)), Lot 5, in Assessor's Block 341 - Request for 1) a Permit to Alter under Article 11 for a substantial increase in height to a Category I Building; 2) a Determination of Compliance under Section 309 of the Planning Code to permit an one-story vertical addition, historic façade rehabilitation, and conversion of existing office space to approximately 34 residential dwelling units, with an exception to the Planning Code rear yard requirements; 3) the granting of residential open space, dwelling unit exposure, and parking variances; 4) recommendation to the Board of Supervisors for conditional designation as San Francisco Landmark No. 244; and 5) recommendation to the Board of Supervisors for conditional approval of a conditional Mills Act Contract; all for the subject property, which is in the C-3-G Zoning District and a 110-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission.
(Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to June 3, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 3, 2004
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

- 6 2003.0053E (L. KIENKER: (415) 558-5970)
520 CHESTNUT STREET - Construction of 20-Unit Residential Building: - **Appeal of Preliminary Negative Declaration.** North side between Powell and Mason Streets, Lot 009 of Assessor's Block 0052. The proposed project is construction of a 57,393-gross-square-foot (gsf), four-story, 20-unit residential building, with 21 basement parking spaces. The project would include the reuse of the existing approximately 21,250-gsf, two-story, warehouse by adding a 27,143-gsf vertical addition, set back from the street. The new building would be approximately 40 feet in height at the roofline. The project would require Conditional Use and Variance authorizations. The site is in the North Beach Neighborhood Commercial District zoning district and a 40-X height & bulk district. Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Proposed for Continuance to June 17, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 17, 2004
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

- 7 2003.0946D (D. DiBARTOLO: (415) 558-6291)
458-460 35th AVENUE - east side between Geary Boulevard and Clement Street: Lot 042 in Assessor's Block 1466 - Request for Discretionary Review of Building Permit Application No. 2003.02.21.8034, proposing to construct a 3' 4" deep, three-level rear horizontal addition with a two-story deck and stairs; and add a new, approximately 830 square foot, partial third floor to a two-story over ground floor structure containing two dwelling units in an RH-2 (Residential House, Two-Family) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as revised.
(Continued from Regular Meeting of April 22, 2004)
DISCRETIONARY REVIEW APPLICATION WITHDRAWN

SPEAKER(S): None
ACTION: Discretionary Review Application was Withdrawn

- 8 2004.0188T (P. LORD: (415) 558-6311)
PUBLIC BENEFITS ZONING CONTROLS - Consideration of an Ordinance amending the Planning Code by adding section 318 through 318.6 to encourage the development of comprehensive community plans that provide floor area bonus incentives for the provision by housing projects of certain public benefits for the City, including affordable housing, open space, community serving space, and PDR space, and until the development of plans for specific neighborhoods, to impose a program on housing projects receiving a floor area bonus requiring the provision of public benefits, and amending Section 123 and 207 to except housing projects receiving a floor area bonus under this ordinance from the density limits of the Planning Code, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
Preliminary Recommendation: Pending
(Proposed for Indefinite Continuance)

SPEAKER(S): None
ACTION: Without hearing, item was continued indefinitely
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

B. COMMISSIONERS' QUESTIONS AND MATTERS

- 9 Consideration of Adoption – Draft Minutes of April 1 (Continued from Regular Meeting of May 6, 2004) and April 15, 2004.

Minutes of April 1, 2003:

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
ABSENT: Boyd

Minutes of April 15, 2004

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, S. Lee, W. Lee
EXCUSED: Hughes
ABSENT: Boyd

- 10 Commission Comments/Questions
Commissioner Hughes: He welcomed Commissioner Bradford Bell back from her vacation.

C. DIRECTOR'S REPORT

11. Director's Announcements
- welcomed Commissioner Bradford Bell back.

12. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –
May 7, 2004 –
- The first hearing from the Planning Audit Committee was held. This committee was formed to discuss the June 2002 audit performed by the Budget Analyst on operations and procedures of the Planning Department.
 - The members are Supervisor Peskin as president, Supervisor Chris Daly as vice president and Supervisor Amiano as member.
 - It was a two hour hearing. It was an incredibly refreshing and positive experience.
 - There was concern on reporting to the Board of Supervisors on the budget, where is long range planning, department's computers, etc.
 - He thanked the Supervisors individually.

Full Board of Supervisors – May 11, 2004:

Re: Large Scale Retail Uses

- The Board of Supervisors passed it at it's first hearing.

Re: 2362 Market Street and 2550 Mission Street (The New Mission Theatre).

- These buildings was landmarked.

Re: 2599 Lombard Street (Pacific Motor Inn)

- In a +10-0 vote the Board of Supervisors overturned the Commission's decision.

Re: Antennas

- Antennas need to be looked at in a different way.
- When staff last looked at the WTS guidelines, it was admitted that the revisions were minor and that major revisions more extensive revisions still need to be done.
- A collaborative process should be done with Planning staff, the Board of Supervisors, the Commission and the Telecommunications Commission.
- The Board of Supervisors is concerned that much of the information submitted to Planners is not verified because they are not telecommunications experts.

BOA –

Re: 2258 Beach Street

- This permit was a consolidation permit over a four year span.
- This was the subject of several Discretionary Reviews and appeals.
- The Commission voted to not take Discretionary Review and grant the permit. The Board of Appeals upheld the Commission's decision unanimously.

13. Presentation from the Office of the City Attorney on the procedures for hiring and releasing the Director of Planning.
(Continued from Regular Meeting of April 15, 2004)

SPEAKER(S):

Geoffrey Nelson

- He is a member of the Planning Department.
- He submitted a letter that was sent to the Mayor.
- There has been a meeting with the Mayor's office and he realizes that there is an issue of confidentiality about the candidates.
- The Planning Director needs to put a public face on this process and needs to express that the department adds value to the public's interest.

Nilka Julio – Local 21

- She is not sure if all of her questions have been answered but at least it sets the ball rolling.
- What is the legal action of the committee?

- Why is the committee looking at local applicants only? A nationwide search needs to be done in order to determine if the candidate is politically connected.
- The people here are ready to participate in the newness of this process.
- There needs to be faith in the next planning director.

Ken Rich

- The choice of the next director is critical to the future of the city.
- Please direct a very detailed search for the next director.

David Alumbaugh

- He thanked the Commission for inviting planning staff to attend this meeting.
- They are excited to have the support of the Mayor in making planning central to his administration.
- The director needs to have a vision, skills to look inward towards the department, skills to look at the broken planning process, see the technical and physical environment, etc.
- Do a national or international search to find the very best candidate, have department staff participating in screening criteria, staff involvement in the evaluation of the candidates, etc.
- None of the requests have been acted on even though the requests have been made in the most respectful manner.

Miriam Chion

- The City has gone through a lot of changes in the last years.
- The Planning Department is to create better places for everybody.
- This perspective has been lost.
- This is an opportunity to turn this around by finding a new planning director.
- If the department can get a director that understands its people, respects the vision, and to gets the Planning Department together, the Department can do its job better.
- The Commission is in the position of a lot of power that can make the decision on all these issues.

Sue Exline

- She thanked the Commission for allowing staff to express their comments.
- She hopes that staff can play a part in this process.

Lois Scott – Vice President of the Planner's Chapter of Local 21

- She asked the members of local 21 to stand (about 10 stood up)
- The search for planning director should be local and national. The planners should also be engaged in this process.
- The department has an internally divided structure.
- When a permanent director is in place, staff should be allowed to do annual evaluations.
- The outcome that everyone wants is partnership and mutual respect.

Paul Maltzer

- He feels that staff from the Planning Department works for the Commission. A new director should be someone who works for them as well.
- The Commission should nominate that person and it is the Commission's responsibility to take this very seriously.
- If the Commission wants a director to work for the Commission, it is their responsibility to pick the person who will do the job.

Johnny Jaramillo

- He echoes the concerns that his co-workers have.
- The search needs to be open and inclusive as much as possible.
- The issues, which are typically at the forefront of planning and land use decisions, like communities that do not have the strongest possible voices and are sometimes ignored, a Director should be able to speak for those voices because they deserve it.
- The Commission has a remarkable staff working for them.
- He thanked the Commission for giving them the opportunity to speak on this issue.

Joe O'Donoghue

- Whatever administrator or director is hired, the process needs to be functioning because it is not working.

- He has been working with the Planning Department for many years and ever since then there has been a division in the department.
- It is important to look locally. There is no need to look nationally.
- There was already a director named Gerald Green. The next director, if he lives up to his qualification, everyone will be lucky.
- There is a violation of the Charter right now and a total disrespect of the process.

Adam Light

- He thanked the Commission for the opportunity provided to them to be able to speak on this issue.
- The Commission has been very diligent and very concerned about Planning issues.
- The Commission can make the best decisions that are best for San Francisco. Doing a national search is the best thing to do. Anything less is not worthy for San Francisco.
- A fresh start is needed and this is a critical decision.

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

None

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

14. 2002.0914R (D. ARGUMENTO: (415) 558-6308/S. SHOTLAND: (415) 558-6284) 675 TOWNSEND STREET - south side between 7th and 8th Streets; Lot 007 in Assessor Block 3799. The project is related to Planning Case No. 1998.455C, a mixed use development of 148 dwelling units, approximately 35,000 square feet of ground floor commercial space and 256 parking spaces in two basement levels. Due to the presence of a Caltrain easement, the originally proposed 7'-6" wide sidewalk along Townsend Street would be reduced to 4'-6" to maintain a minimum distance from an existing rail line in the Townsend Street right-of-way. The reduced sidewalk width is less than the Department of Public Works' minimum 6-foot sidewalk width standard. The subject property (675 Townsend Street) is in an M-2 (Heavy Industrial) District and a 40-X/50-X (Height and Bulk) District.

Preliminary Recommendation: Find the proposal not in conformity with the General Plan (Continued from Regular Meeting of May 6, 2004)

NOTE: On April 1, 2004, following public testimony, the Commission closed public hearing. The Commission entertained a motion to find this project not to be in conformity with General Plan by a vote +3 -2. Commissioners Antonini and Bradford-Bell voted no. Commissioners Boyd and Hughes were absent. The motion failed. The matter was continued to April 8, 2004 by a vote +5 -0 to allow the absent commissioners to participate in the final action. Commissioners Boyd and Hughes were absent.

NOTE: On April 8, 2004, the Commission passed a motion of intent to approve by a vote of +6-1; Commissioner Feldstein voted against. Final Language: April 22, 2004 for final language.

NOTE: On April 22, 2004, the item was continued to May 6, 2004 without further deliberation.

NOTE: On May 6, 2004, after Commission deliberation, the item was continued to May 13, 2004 by a vote of +4-0 to receive further information from the project engineer. Commissioners Bradford Bell and S. Lee were absent.

SPEAKER(S): None
 ACTION: Approved
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
 ABSENT: Boyd
 MOTION: 16784

F. REGULAR CALENDAR

15. 2003.1227C (M. Li: (415) 558-6396)
549-573 MISSION STREET - south side between 1st and 2nd Streets, Lot 120 (formerly Lots 069, 070, 078, 079, 080, and 081) in Assessor's Block 3721 - Request for conditional use authorization to establish a temporary surface parking lot for up to 150 vehicles within the C-3-O (Downtown Office) District and a 550-S Height and Bulk District. Pursuant to Section 156(h) of the Planning Code, the proposed use may be authorized for a maximum of two years. Six vacant buildings, four of which are unreinforced masonry buildings (UMBs), will be demolished as part of the project.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Andrew Junius – Reuben and Junius

- There is every intention to move forward with the Tishman and Spier project.
- Temporary parking is the only option he has.
- The architect is available to answer questions.
- In the South of Market area thousands of surface parking lot spaces have been lost.

(-) Jeremy Nelson – Transportation for a Livable City

- He does not feel that a parking lot is the best use to construct until the office building is ready to go online.
- Allowing surface parking lot in a very rich transit district is a bad idea.
- There will be thousands of cars placed on city streets.
- There will be additional traffic delays, which will cause public transportation to be delayed. These delays cost MUNI to lose a lot of money.
- There will definitely be a significant negative impact.

(-) Paul Vuskovitch

- He is entranced by Acting Director Badiner's idea of a parking lot where people can park.

(+) Drew Sullins – Tishman and Spier

- They did speak to Larry Badiner about other uses on the site.
- They will be putting some sort of public use on the site.
- Tishman Spier is very committed to building the neighborhood office building.

ACTION: Approved with the amendment to add three dedicated spaces for Car Share.
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
 ABSENT: Boyd
 MOTION: 16785

16. 2003.1015E (N. TURRELL: (415) 558-5994)
1905 MISSION STREET - Assessor's Block 3553, Lots 27, 28, 29, and 30 - **Appeal of a Preliminary Mitigated Negative Declaration.** The proposed project involves the construction of an approximately 34,369-gross-square-foot (gsf), 24-unit, five-story, residential building, which would contain about 26,900 gsf of residential use, 2,600 gsf of retail use, and 5,000-gsf of garage with 24 parking spaces. The proposed project would also include the demolition of three existing commercial buildings. Two of these buildings with a total square footage of 4,431 gsf are located at 1911 Mission Street. The third building, consisting of 1,320 square feet is located at 1581 15th Street. The approximately 8,670-square-foot project site is located at the southeast corner of Mission

and 15th Streets in the Mission District. The site is in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and is in an 80-B height and bulk district.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Continued from Regular Meeting of April 15, 2004)

SPEAKER(S):

(-) My Do

- The impact to the event center needs to be taken into consideration.
- This project will not house the people that are going to live in the neighborhood.
- There is a loss of PDR jobs associated with this project.
- The loss of these jobs should be mitigated.
- The developer has some advise for commercial space, which will bring jobs to the area, but they do not pay as well.
- The Negative Declaration should be appealed because this project will not provide community benefits.

(+) Warner Smals – Project Architect

- All of the projects are very consistent.
- The claim that there is a cumulative impact is surprising.
- This argument cannot be sustained at all.
- If there are goals to be achieved, they should be consistently applied to all the districts in the City.
- They have been very beneficial in this regard.

(-) Jeremy Nelson – Transportation for a Livable City

- He is here to speak about parking.
- This project is located near the second busiest MUNI line--the 14 Mission--and it is also located near a Car Share pod.
- There should also be one-to-one bicycle parking.
- The garage entrance as proposed was going to be 24 feet wide. He spoke to the project sponsor and was told that this was going to be reduced.
- There are also bike network lanes in the area.

(-) Charlie Sciammas – Mission Anti-Displacement Coalition

- One of the things he would like to point out is that the community planning process is planning to do something progressive.
- This project could be improved and he mentioned this to the project sponsor.
- He requests that the Commission and the project sponsor revise the project with the following ideas: consider having all three of the larger apartments be the below market rate apartments, consider requesting Section 8 vouchers to make the apartments more affordable. PDR jobs are being lost with this project, so he requested that there be living wage jobs.

(-) Luis Granados – Mission Anti Displacement Coalition

- The 14th Street corridor is an important corridor for blue-collar jobs.
- The importance of these uses for the neighborhood is very high.
- These services provide jobs to the neighborhood.
- If this project is approved, it will create a slow erosion of the neighborhood.
- The needs of the community are not being met.
- The developer should come back and add more affordable units.
- The commercial use should be dedicated to light industrial use.

(+) Mark Nelson – Project Sponsor

- He has made an effort to meet with many of the neighbors where the property will be located.
- Much of the concern is that there have been a lot of encampments in the area and people have had to consistently call the Police Department.
- Marshall School is delighted to have this project in the neighborhood.
- Many neighbors would like to have the commercial space dedicated to a food service.
- The roofing company, which was located at the site, wants to move further south on the peninsula.

(-) Cristina Ologie

- They are concerned that this project does not reflect what people of the Mission want.
- After serving hundreds of residents, there is a strong need to see more affordable housing built in the area.
- There are many jobs that are being lost.
- She hopes that the Commission will take into consideration all the work that they have been doing regarding getting a survey of what the people in the Mission really want.

ACTION: Hearing Held. Public Hearing Closed. Item continued to May 27, 2004

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

17a. 2003.1214D

(S. VELLVE: (415) 558-6263)

120 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 039 in Assessor's Block 5894 - Mandatory Discretionary Review, pursuant to the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application 2002.11.22.2105, proposing to demolish a single-family dwelling in a RH-1 (House, One-Family) Zoning District, and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the demolition. (Continued from Regular Meeting of April 8, 2004)

SPEAKER(S):**(-) Camila Curry**

- She represents many of the homeowners and residents of Maynard Street.
- The demolition and proposed buildings are not in character with the neighborhood.
- The existing house is sound although in fragile condition.
- Much of the work can be done concurrently with the adjacent building.
- This neighborhood has a large source of affordable housing.
- She recommends that the Commission not demolish the existing house.

(-) Yuen Sun Yu

- She lives on Maynard Street.
- There are a total of five windows at her house.
- The project will be much higher than her building so she is concerned with diminished light and air.
- She displayed photographs of the interior of her home showing how much light comes in.

(-) Maya Rattiner

- She lives on Maynard Street.
- She feels that the house should not be demolished.
- She really likes the charm of the house that is currently there.
- The new construction will block sunlight to her home.

(+) Patrick Buskavich – Project Engineer

- The house has a lot of problems.
- It was originally a very small cottage.
- The middle section of the house has no permits.
- The quality of construction is very bad.
- The floor does not bounce but the quality of the house does not meet soundness.
- The retaining wall is leaning over and eventually will fall.
- Qualitatively, this building is a loss.

(+) Julie Lee

- One of the tenants that lives in the back cottage wanted to have the building demolished but now that she has a baby, she changed her mind.
- The lady that lives across the street, does not want to see any new houses built across the street but when we presented the project to her, she thought it was a good idea.
- She received a letter from one of the tenants that agreed to drop the Discretionary Review and she is not sure why she is here now opposing the project.

(+) Mr. Lau

- He moved to San Francisco in 2002.

- He lived on Maynard Street for a few months but left because the building is in very bad condition.

- He has found a new place to live.

(+) James Lasco – Arborlogic Consulting Arborists

- There are some very old trees that will not likely survive any sort of construction.

- The trees are not a desirable species and could be a hazard if allowed to be left there.

ACTION: Took Discretionary Review and disapproved the demolition

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

- 17b. 2003.1215D (S. VELLVE: (415) 558-6263)
120 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 039 in Assessor's Block 5894 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application 2002.11.22.2107, proposing to construct a two-story over ground/garage, single-family dwelling in a RH-1 (House, One-Family) Zoning District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and disapprove the new construction.
(Continued from Regular Meeting of April 8, 2004)

SPEAKER(S): Same as those listed for Item 17a.

ACTION: Took Discretionary Review and disapproved the new construction.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

- 17c. 2003.1216D (S. VELLVE: (415) 558-6263)
122 MAYNARD STREET - south side between Craut and Congdon Streets; Lot 040 in Assessor's Block 5894 - Staff initiated and public Request for Discretionary Review of Building Permit Application 2002.11.22.2101, to construct a new two-story over ground/garage, single-family dwelling located in an RH-1 (House, One-Family) District, and a 40-X Height/Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.
(Continued from Regular Meeting of April 8, 2004)

SPEAKER(S): Same as those listed for item 17a.

ACTION: Took Discretionary Review and approved with modification:

1) The depth of the proposed project at the two levels over the garage shall be reduced by approximately nine (9) feet, measured from the front property line to match the rear building wall of the adjacent structure at 126 Maynard Street.

2) The half bath (toilet and sink) in the garage/ground floor shall be removed.

3) The garage door shall be reduced to a width of ten (10) feet with a three (3) foot recess from the front building wall.

4) The permit applicant shall work with Department staff to improve the interior layout and room uses, and fully integrate/configure the living areas to be more indicative of a single-family dwelling.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

18. 2003.1217D (J. IONIN: (415) 558-6309)
342 21ST AVENUE - east side between Geary and Clement Streets; Lot 033 in Assessor's Block 1452 - Request for Discretionary Review of Permit Application No. 2003.08.07.1409, proposing to add two units to the existing single-family dwelling by constructing new third and fourth floors, and a rear addition in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve with modifications.
 (Continued from Regular Meeting of March 25, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 17, 2004.

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

4:00 P.M.

19. 2000.465E (R. COOPER: (415) 558-5974)
HOUSING ELEMENT OF THE SAN FRANCISCO GENERAL PLAN - Appeal of the Preliminary Negative Declaration for the proposed revision of the Housing Element of the *San Francisco General Plan*, which is an update of the 1990 Residence Element of the *San Francisco General Plan*. The Housing Element is a public policy document that comprehensively addresses issues of housing needs for San Francisco residents and households. Included in the Housing Element is San Francisco population, employment and housing data analysis. Eight new policies are proposed to be added to the 63 policies and 11 objectives that have been modified or retained from the 1990 Residence Element.
 Preliminary Recommendation: Uphold Preliminary Negative Declaration
 (Continued from Regular Meeting of April 8, 2004)

Re: Continuance

Patricia Voughhey

- She just received the revisions yesterday. It is not fair to have to study the changes in such short notice.
- She would like to see all the issues [in plenty of time] before the hearing.

Petrie – St. Francis Woods

- She requested a continuance because she just received the amendments and has not had time to review them.

Kathy Devincenzi – Laurel Heights

- She asked for a continuance of this project because the notice is legally deficient under state law. State law requires that the Planning Commission give notice of a public hearing of a general plan amendment that would affect the intensity of uses of real property or the permitted uses and a display advertisement of at least 1/8 of a page in at least one newspaper of general circulation at least 10 days before the hearing.

Rosalind Tolsom – Francisco Heights

- She asks for a continuance so that they can read the amendments recently submitted.
- She is against the project for various reasons.

Zachary Toldson – Francisco Heights

- He also would like to request a continuance so that he can read the amendments recently submitted.
- This is a very important issue because San Francisco is the second most populated city in the nation.

Richard Werner – Jordan Park Improvement Association

- He asked for a continuance so that he can read the amendments and because the hearing was not duly noticed.

Adina Rosemarin – Lake Shore Acres Improvement Club

- She requested that this item be continued on the basis of due process grounds.
- The document prepared for adoption by the Commission references some amendments and this “11th hour” notice does not allow the public to review the amendments.
- The amendments are for which copy of the element--the red one or the green one?
- The result is a project that lacks a quorum and is incoherent.

Sara Keropian – Francisco Heights Association

- She is asking for a continuance so that she can read the amendments.
- She objects to the stated goals of the document in this, the second most densely populated city in the nation.

Rosemarie Junker – Franciscan Heights

- She requested a continuance because it is a very complicated document.
- If the Commission needs intelligent comments from the public, staff and the Commission need to provide the public with an adequate amount of time.

Libby Benedict

- She requested a continuance so that she has time to study the amendments and provide a comment.

Jennifer Chou-Green – Francisco Heights Neighborhood Association

- She requested a continuance because there has not been adequate notice regarding the amendments.

Barbara Austin – Coalition for San Francisco Neighborhoods

- She is concerned because there was a lack of notice.
- The amendments would make substantial changes to the document.

Mary Burns – Greater West Portal Homeowners Association

- She is concerned about the amendments and about the way the information was transmitted to the public.
- Violations of due process will not be tolerated.

Jeff Hagen – Francisco Heights Homeowner Association

- He requested a continuance because the amendments were not noticed properly.
- Hearing the Housing Element pre supposes the approval of the EIR and this is a violation of due process.

John Bardis – Inner Sunset Action Committee

- There is a notice that went out today that the item was not listed.
- It is very erroneous to speak on both these items.

Kathryn Hecht – Francisco Heights

- There is a need for a legally allocated time period to read the amendments.

Emeric Kalman

- The Planning Department has not met the Sunshine requirements.
- Section 67.7-1 “Public Notice Requirements” – The notice should inform the residents of the proposal of planning activity on how the new project is affecting their properties and this was not done.

John Stewart

- More time is needed to consider the amendments which were recently submitted.

Cynthia Coleman – Presidio Heights

- She is in agreement with the continuance so that the Board can properly evaluate the amendments.

Eileen Boken

- The amendments are substantial and time is needed to evaluate them.

Catherine Stefani – Cow Hollow Association

- The substantial amendments were recently release so she needs time to absorb these and provide an analysis.

Greg Scott – Pacific Heights Residents Association

- The association is very insistent that this item be continued because the amendments were not properly submitted.
- It is important to have neighborhood input.

Rocky Papale – Francisco Heights

- The Resident Element will impact the residents of the City. This is why he requested a continuance. There is a need to review the amendments.

Paula Romanovsky – Francisco Heights Residents Association

- The association has spent a lot of time on the Housing Element. Something other than a continuance would be disrespectful to the time they have spent.

Robert Bardell – Golden Gate Valley Homeowners Association

- He requested a continuance. Six days is not enough time to read the amendments recently issued.

Marilyn Amini

- She requested continuance for the appeal and the project.
- Materials were not made available in a timely manner.
- She submitted a packet of information for the Commissioners which includes: proposal for adoption, staff recommendations, Mr. Badiner's memos, the 12 page amendments, etc.
- The negotiation began on March 21, [but] no member of the public or organization knew about this until last night.

Kate White

- She is not in agreement with the continuance because this document has been four years in the making.

Bernard Choden

- He is going on vacation and would like to read his statements regarding the project.

Jim Chappell

- There is no reason to continue this. He was able to read 12 pages in the last few days.
- It is time to move on.

Jeremy Nelson

- He is not in favor of continuing this item.
- There are people who are trapped because there is no affordable housing.
- The people who want a continuance are homeowners and this is not fair for others.

RESULT: Failing to receive a motion to continue, the item will be heard.

*Re: Merits of the Project***SPEAKER(S):****Susan Brant-Hawley – Representing the Appellants**

- She is representing about 15 neighborhood organizations.
- The Commission should carefully look at the facts and expert opinions.
- This project is the exact project that CEQA is designed to review.
- Can the Commission say that there is no possibility that this document will not have significant environmental impacts?
- Even if one cannot predict what the impacts will be, it should not be excused from environmental review.

Patricia Voughey

- What is interesting about this is that every time she goes to a small business area, everyone wants parking. Certain neighborhoods have tourist problems. There are too many greedy landlords. Many people are coming from out of state. There are problems with people who park on sidewalks. It is not possible to change the buying power of Americans and this document does not state any information about that.

Jeremy Nelson – Transportation for a Livable City

- He urges the Commission to support the language of putting more affordable housing options in good transit oriented neighborhoods.
- He requested that the Commission deny the appeal to the Negative Declaration.

Luis Granados – Mission Anti-Displacement Coalition

- The Negative Declaration does not include the amendments recently issued by the Acting Director.
- According to the Director, there is no evidence that the amendments will not create any negative impacts.

- He asked that the Commission deny the appeal.

Bernie Choden

- The Housing Element by state law requires a work program, not general guidelines.
- Any planner knows how to do statistical analysis.
- Planners don't speculate they estimate.
- It is important to do a work program that is legal and this Housing Element is not legal.

Kate White

- She urged the Commission to reject the appeal and move forward with the Housing Element.

Kathy Devincenzi – Laurel Heights Improvement Association

- It is a certainty that an EIR is required for this document.
- There are ways to protect citywide impacts.
- If parking were eliminated on transit lines it would be a disaster.
- Reducing parking could cause impacts on noise and pollution.
- There is a good reason to require an EIR because it is a legal analysis.

Barbara Austin – Save Our Neighborhood

- The document is years late. Yet during all that time there was no neighborhood participation.
- The proposed Housing Element does produce serious concerns about polices and housing for people in this City.
- This caused the neighbors to file an appeal.
- She supports an EIR and the rejection of the Housing Element.

John Bardis – Inner Sunset Action Committee

- It is important that an EIR be prepared.
- It is important to also check the procedures of this process since this causes the City a lot of money.

Mary Beth Starzell

- It is important to have a sure sound sense of what is going on.
- Honesty and Respect have been victims of this process.
- The Commission has the power to correct this and give the community the integrity that it deserves.

Bob Starzell

- He is astounded about what he has been hearing.
- Staff seems to want to have an impact with this.
- Words are being said and are given different meanings.
- He has sat on Commissions and knows what confusion the public has.

Joe Ventresca - SPEAK

- He is president of SPEAK.
- The SPEAK Board voted unanimously to uphold this appeal and to urge the Commission to do a full environmental review.
- SPEAK has submitted substantial evidence on the negative impacts of this Housing Element.
- The Planning Commission should require an EIR.

Petree Knighton – St. Francis Homes Association

- She supports the appeal of the Negative Declaration.
- St. Francis Woods has experiences heavy traffic all because of a poorly planned ramp.
- The policy was adopted and the neighborhood was promised that there would not be any traffic impacts.
- This is something that should have been reviewed by an EIR.

Adena Rosmarin – Lakeshore Acres Improvement Club

- There are two errors with this project.
- Planning has chosen an invalid baseline which in effect makes nonsense of its conclusion.
- Planning takes the 1990 policy as its baseline instead of its 2003 physical environment.
- Planning argues that EIR analysis should be deferred until specific projects are proposed. Yet California courts have consistently rejected this referral argument.

Richard Werner – Jordan Park Improvement Club

- The Commission is being asked to approve something that will have an impact on sewer, parking, traffic, pollution, etc.
- This is the reason why it is important to do an EIR.

Jeff Hagan – Francisco Heights Civic Association

- He has grave concerns about the environmental impacts of the proposed Housing Element and therefore supports the appeal of the Negative Declaration. He urges the Commission to compel the Department to prepare a full EIR.

Joan Girardot - Marina

- She supports the appeal of the Negative Declaration.
- An EIR is a decision-making tool for decision makers.
- CEQA should assume the maximum build outs that are being proposed.
- This document is a blue print for densification.
- The only way that an analysis can be done on utilities infrastructure is to do an EIR.

Emeric Kalman

- He would like to see the environmental review done on the actual, physical as built conditions of the City.
- Document Number four of the Housing Element is incorrect and is misleading.
- He would like to know how much money was spent on the Housing Element version four?

Greg Scott – Pacific Heights Residents Association

- The Association requests to do a full EIR.
- He carools his children to school.
- This is the second densest City in the country.
- He could not live without a car.
- This past rainy season, there were many businesses that had sewer damage.
- The City cannot handle what it has now. It cannot handle more.

Paul Wermer

- He has red the Negative Declaration. He has read many other Negative Declarations and has agreed that there is no need to go further--yet this one he hesitates to approve.
- The sewage system is inadequate and backs up.
- Traffic congestion is an impact to the residents of this city

David Bisho

- He requests an Environmental Impact Report on this document.
- This has the appearance of a scam on a huge scale.
- Many of the recreation activities that used to be all over the place are now closed because there is not a sufficient population of young people.
- This document is not suitable for families.
- This housing plan will affect everyone's housing property.

Mary Burns – Greater West Portal Neighborhood Association

- The Association requests that the Commission uphold the appeal of the negative declaration.
- There will be many small shops and businesses that will be destroyed with so much density.
- Such a major element of the General Plan should not go forward without an EIR.

Catherine Stefani – Cow Hollow Association

- An environmental Impact Report should be issued.
- This document does not comply with state law.
- The document is controversial because for the prior amendments.
- The document does not address impacts on traffic, utilities, etc.
- She urged the Commission to request a EIR.

Francisco Centurion – Design Zoning Committee of the Russian Hill Neighbors

- He is here to support an EIR.
- Because of land use items that will make so many changes, there is a need for an EIR.

Beverly McCallister

- She brings about 200 requests for the Commission to find the Negative Declaration invalid.
- San Franciscans require a full and intelligent growth.
- The neighborhoods have not recovered from bad policy implementations.
- Placing high density and tall buildings threatens San Francisco's integrity.
- An EIR is imperative.

Cynthia Coleman – Presidio Heights Association of Neighbors

- She is representing 600 households in the Presidio area.
- She requests an EIR.
- She is concerned about the long-term affects to the character of the neighborhoods.

Penelope Clark – Russian Hill Neighbors

- The Housing Element remains a flawed document.
- Increasing housing density without allowing a 1-for-1 parking will be disastrous.
- The majority of households own cars which they will not give up.
- The proposed policy will create housing that is less affordable. At the same time, it will lower the quality of life for San Francisco residents.

Judy Junghans – President of Russian Hill Neighbors

- She has lived in this neighborhood over 20 years.
- If more housing is put on Van Ness it would cause a major impact.
- None is against more housing, yet it should be placed

Robert Bardell – President of the Golden Gate Valley Neighborhood Association

- The association is against the Housing Element.
- What is currently a neighborhood defined by one and two family dwelling will become defined by four unit condominium boxes as developers lusting after density bonuses outbid families hoping to move into existing housing.
- This will destroy the character of Golden Gate Valley.
- More density without off street parking will create more parking on sidewalks.

Serena Bardell

- The battle is actually for the survival of the City.
- Urban planners seem to be able to get people out of their cars.
- Should the negative declaration stand, sidewalks will be blocked by cars.

Babette Drefke

- She is in favor of the amendments that the San Francisco Coalition of Neighbors have proposed.

Calvin Welsh – Council of Community Housing Organizations

- He owns a car and lives in the Height Asbury. He parks on the street and not on the sidewalk.
- This is a bit of a civic tragedy.
- Everyone in this room possibly supported the reform that created this Commission. Yet he does not feel ill served by the Commission. The problem is the Planning Department.
- The proposal is not even "10 percent" different from the 1990 element.

Jim Chappel

- He urges the Commission to deny the appeal of the Housing Element.
- There are no impacts.

Hiroshi Fukuda

- He is here to support the appeal of the negative declaration.
- An EIR is necessary and mandatory.
- The Commission can be replaced with just cause. Deciding on this issue would be a good way to test it.
- Maybe there are some deals or agreements that would cast aside the amendments.
- There are many things that are being ignored.

Sherry Laporte

- She supports the appeal of the negative declaration and requests that the Commission direct the Planning Department to issue an EIR.
- The community was not extensively involved in the Housing Element.

- Many community projects need to have an EIR covering them.
- This would prevent neighborhoods from getting major negative impacts.

Elise Ravel

- She supports the appeal of the negative declaration and feels an EIR is required.
- If there is no adequate infrastructure it will result in negative impacts to the City.
- Many people are concerned with emergency response time.
- Although these might seem minor, for a person with health concerns or children, it is extremely important.

Julie Browne - POWER

- She urged the Commission to oppose the appeal of the negative declaration.
- People from Eastern Neighborhoods who support the Housing Element are calling for affordable housing.
- The process should not be stalled.
- She urges that the Commission not delay this document any more.

Eileen Boken

- She is opposed to the negative declaration.
- Travel by automobile is becoming most significant.
- Transit in the future fails to close performance gaps.
- She requests to have an EIR because it is necessary to solve these inconsistencies.

Ben Cheatham

- He lives in Glen Park.
- He has witnessed a massive increase in traffic.
- There is no way for people to stop driving their cars.
- If the density is increased in this neighborhood, it will be difficult for fire engines to get to certain places.
- There are already sewage problems associated with the creek located there.

Jennifer Chou-Green

- She requests that the Housing Element be subject to an Environmental Impact Review.
- The Housing Element represents a plan for legislation, which would have dramatic implications for the present and future citizens of San Francisco. It would forever change the nature of this wonderful City.

Rocky Papale

- It seems like there is a consensus here.
- What is happening here this evening is that everyone who is here represents the best of San Francisco. They are homeowners who pay property taxes, hard working San Franciscans who sacrifice daily, who work for their children and their communities.
- He is here to request that the Planning Commission reject the preliminary negative declaration and that the Planning Department reconsider doing an environmental impact report.

Libby Benedict

- She has grave concerns about the environmental impacts of the Housing Element.
- There are already dense neighborhood commercial districts.
- There will be a general decline of neighborhood character and quality of life.
- There is wisdom in what everyone is saying tonight.

Rosalind Tolson – Francisco Heights Homeowner's Association

- Many years ago, one could find parking. It was better when there was less.
- She supports the appeal of the negative declaration and urges the Commission to request a full EIR.

Zachary Tolson – Francisco Heights Homeowner's Association

- It does not take anything to see that this will have an negative impact.
- Many MUNI lines are already running at full capacity.
- More density will have an impact on the infrastructure of San Francisco.
- Every single issue that has been spoken here is very valid.

Rel Woodard

- She has great concerns about the environmental impact that this document will have on her neighborhood.

- A full EIR should be issued.

- There is no safety for pedestrians, accidents, etc.

John Stewart – Francisco Heights Civic Association

- He does not understand why Planning staff stating that there is no need for an EIR.

Kathryn Hecht – Francisco Heights Civic Association

- She is against moving forward without an EIR.

- The environmental impact of the Housing Element related to the data on which it was based is out of date.

- Many things need to be re-examined.

Julie Marcus

- Everyone who has spoken feels that there is a need for an EIR.

- All the public needs is to have proof that there is no need for an EIR.

Rose Hillson – Jordan Park Improvement Association

- She supports the appeal of the negative declaration.

- She does not trust the document right now.

Patrick Phillips – Laurel Heights Association

- This document will ruin the beauty of San Francisco.

- There is no more capacity for more density.

- Any proposed plan should be halted until an EIR is done.

- The congestion problem will only get worse if this is approved.

Alice Piccus - PHRA

- Four years ago she moved to San Francisco because she liked the lifestyle here.

- She used to live in Shanghai where there is so much density that people cannot even get to work and there is a lot of pollution.

- About 98 percent of the people here wanted a continuance. She thought that this was a democracy.

Ramona Albright – CSFN, Coalition for San Francisco Neighborhoods, Inc.

- She is concerned with air in San Francisco.

- There is no question that everything will get worse.

- Members of the Coalition passed unanimously to oppose any change to the Planning Code including the Housing Element.

Marilyn Amini

- She respectfully requests that the negative declaration not be upheld because it is inadequate, inaccurate, insufficient, etc.

- Much money has been spent on plans.

- The 1990 EIR checks "yes" for all the impacts that can occur.

ACTION: Negative Declaration Upheld

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

ABSENT: Boyd

MOTION: 16786

20. 2000.465M

(T. OJEDA: (415) 588-6251)

HOUSING ELEMENT OF THE GENERAL PLAN. The Commission will consider a resolution to adopt proposed amendments to the Housing Element of the General Plan under the provisions of Sections 340 and 306.3(b)(3) of the Planning Code. Proposed revisions will update the Residence Element adopted in 1990 and include an assessment of housing needs and new policies to increase housing production in higher residential density areas near downtown and along transit served neighborhood commercial districts; reconsider residential parking requirements; and support construction of new family housing. The Proposal for Adoption of the Housing Element of the General Plan incorporates comments received by the City Planning Department at public hearings conducted on March 27, 2003; May 1, 2003; June 5, 2003; July 21, 2003; and October 9, 2003. Copies of the Proposal for Adoption of the Housing Element are available and can be picked up free of charge at the Planning Department, 1660 Mission Street, 5th Floor

on April 26, 2004. Please call Teresa Ojeda, 558-6251, regarding the Proposal for Adoption of the Housing Element if you have any questions.

(Continued from Cancelled Meeting of April 29, 2004)

SPEAKER(S):

Patricia Voughey – Cow Hollow Neighbors In Action and Planning Association for Divisadero

- This was almost word for word in what was presented in the late 80's, but it was rejected.
- This document call more for market rate housing instead of affordable housing.
- The addendum does help a lot to balance it out some.
- By just having a negative declaration, if a variance is requested it will be issued. There should not be a Housing Element anyway.
- If staff continues to work this way and write things so badly, there will not be any tourism or any people living here anymore.

Barbara Meskunas – CSFN -- The Coalition for San Francisco Neighbors.

- Much of their problem with the Housing Element is the lack of involvement.
- They are glad that their concerns were included in the document.
- She requested that the Commission pass the document with the amendments.

Ramona Albright

- The 40 city wide member coalition voted to withdraw their request for the legal proceedings for an EIR.
- An EIR is going to cost about 1 or 2 million.
- The compromises are terrific and keeps things more status quo.

Judy Berkowitz - CSFN

- Density should be aimed at places where it can be taken.
- The amendments retain the language of the policy of the 1990 Residence Element with a few "tweaks and touchups".

My Do - MEDA

- A lack of affordable housing is a citywide problem. So there should be a citywide solution.
- Every neighborhood should do their share to solve this problem.
- She learned tonight that San Francisco is the second most populated city in the nation.
- She urges the Commission to adopt the Housing Element before the amendments.

Joaquin Turner - MEDA

- He submitted MEDA's recommendations for the Housing Element. He submitted these a few months ago and they have not been taken into consideration.
- More affordable rental housing is needed in San Francisco.
- Inclusionary housing targets 100 or 120 AMI. If one falls below 100, there will not be access to affordable housing.
- He hopes that the Commission will read the recommendations and include them in the Housing Element.

Bernie Chodin

- The Housing Element is a well written document.
- It is a good beginning but it is not a work program.
- This is a new Commission and a new administration so they need to do the right thing.
- This staff needs to get financial [help].
- The Housing Element must explore for the Mayor, the alternative means of underwriting his affordable housing efforts.

Calvin Welsh

- He asked for an amendment for policy one on page 133. He asked that objective one be returned to the 1990 wording: "identify and maximize opportunities to increase the supply of housing particularly permanently affordable housing in appropriate locations citywide."
- He was assured that this language would be included and it is not.
- He hopes that with this amendment, everyone can go forward with the Housing Element.

Jim Chappell - SPUR

- SPUR is in agreement with the amendments recently presented. Far too much time has been wasted on something where there isn't community consensus.
- SPUR will continue to advocate for density in transit corridors, etc.
- It is important to move forward on the Transbay and Mid Market Redevelopment projects. The Housing Element needs to be adopted tonight.

Dick Millet

- He thanked the Coalition for their input.
- He supports the Housing Element and the proposed amendments.

Hiroshi Fukuda – Richmond Community Association

- This is certainly not perfect.
- He is concerned about the language related to neighborhood support. He does not know what that means.
- He hopes that before the next Housing Element that this is clarified.

Paul Wermer – Pacific Heights Residents Association

- He asked that in addition to the very constructive amendments, that the Commission ask staff to add one more policy to assess neighborhood support for the local area plans that are consistent with the neighborhood character and neighborhood directions.
- Also add implementation plans for this.

Oscar Grande – MAC and PODER

- He is a lifelong San Francisco resident.
- He asked that the Housing Element be adopted but without the amendments recently issued by the Acting Director.
- The affordable housing needs will never be met if it does not come from neighborhoods citywide.
- They are troubled with the Coalition for San Francisco Neighbors for wanting to remove language containing density, transit corridors, NIMBYISM, etc.
- Director Badiner is yielding to the Coalition's one sided conservative special interest.
- It seems that there is the same "Willie Brown Back Room Deals."

John Resinos

- He is a student at Mission High School.
- Everyone needs to live in affordable housing just like he has.
- It is sad that a student like himself has to educate the Commission on affordable housing issues.
- Every neighborhood should have affordable housing. People should be able to live in a neighborhood they can afford.

Charlie Sciammas - MAC

- Adopting a strong Housing Element will help the affordable housing needs.
- He feels strongly that this Housing Element should be provided in neighborhoods around the city that can support it. This means East side and West side.
- There is a double standard right now with the recently issued amendments.

Luis Granados

- He thanked the Long Range Planning staff for their efforts because they have come up with good solution.
- The real housing element should be taken into consideration first and reject the amendments by Director Badiner.
- The Planning Department has divided the City when this was a good opportunity to unite it.

Gloria Williams

- This is a really important issue.
- She came from Houston not knowing how the housing situation was.
- She has lived in an SRO hotel that did not have a wheelchair accessible bathroom and an elevator that did not work half of the time.
- She has been active in trying to do something for housing.
- There are people that are dying in the City but yet there are people who are worrying about getting a parking space.

Joseph Shipman

- He is a member of Local 22 Carpenter's Union.
- He cannot work without his truck. Parking is a problem for everyone.
- He lives in an SRO in the Mission and he likes it.
- Transportation is being worked on.
- Families are growing, the city is growing.

Sean Williams – Mission & 6th Street Agenda

- He was here last year telling the Commission about his situation.
- He still lives in an SRO hotel.
- He does not need his children to see what he sees today – everyone out on the street struggling.
- He is a recovering addict and where he stays is detrimental to his health.
- He wants his children to be in a place that is safe and affordable.

James Collins – 6th Street/Mission Agenda

- He has some recommendations for the Housing Element.
- The Housing Element should be passed without Director Badiner's amendments.

Marty Borrego – Mission Agenda

- This has been the 6th Housing Element meeting and nothing has been done.
- For three years, they have worked to get people housing on a fixed income.
- He is a recovering addict and right now he lives in an SRO and has two jobs.
- He does not want to have his children to come to his place and see drugs.

Kathy Devincenzi – Laurel Heights Improvement Association

- They oppose the Housing Element because they understand what it is.
- The Housing Element is the supreme law for future development.
- If you read the Housing Element, it is replete with suggestions that staff will rezone the City.
- Once this plan is passed, the Planning Department will not be able to propose zoning for low density in the areas identified by this plan.
- Any zoning ordinance will have to be evaluated for conformity with the General Plan.

Barbara Austin

She also takes issues with some of the issues that have been stated before related to zoning

- Many elements hang from the Housing Element.
- The Housing Element is a really important document.
- At the Coalition meeting there was a vote that if the amendments were passed the appeal would be dropped. However, there are other appellants that will not be dropping out of the appeal.

Jeff Hagen - FHCA

- He is being accused of being white, racist, and privileged but at the same time nothing that he has asked for from the Commission has been granted.
- It seems that now everyone is united since everyone is angry about this.
- It is hard for the Commission to be in the position they are in.
- If this situation wasn't so said it would be funny.

Richard Werner

- He is a San Francisco native.
- He lives in a neighborhood where half a block away from him, he will be affected.
- There is a development which will be built with 100+ units, 25 parking spaces, subterranean parking, etc.
- His neighborhood will no longer be able to see Sutro Hill or the Bay. Parking will become an issue. His children will not be able to park on the street any more.
- These are issues that the Housing Element will change.

Greg Scott

- This is worse than the 1990 Housing Element.
- Downtown cannot handle the density.
- He is insulted by the responses of this evening.
- The Housing Element is filled with vague statements.

- Living without cars? Cannot happen. People cannot live without their cars.
- This job is so poorly done that there will be a need to fix it and not to adopt it.

John Bardis

- He asked the Commission to look at the memorandum he submitted on whether the Housing Element process is appropriate.
- A ballot measure was passed to reform the Planning Commission, and you have an opportunity to show reform but instead there is the same thing. It is worse now because there is no Planning Director.

Bob Bardell – Golden Valley Neighborhood Association

- The association is against the Housing Element because the policies will encourage the Planning Department to advocate for developers to take advantage of all the density bonuses.
- Over time, this will cause developers to outbid families thereby increasing density. Developers will be building condominiums, etc.

Eileen Bolken

- She would have preferred more time to read the amendments.
- She is reluctantly requesting approval of the Housing Element with the amendments.

Ellen Pound

- She requested the approval of the Housing Element without Director's Badiner's amendments.

Ellis McDonald

- He is an honorably discharged marine.
- He has served his country, his fellow man and his God.
- San Francisco is a world class city and everyone is looking to this City as a guide.
- The Mayor needs a courage Commission to make decisions that follow their hearts.
- Someone needs to give the people a plan they can believe in.

Cristina Olague – Mission Anti-Displacement Coalition

- She urged the Commission to vote for the original Housing Element (the one in the read cover) and exclude the amendments by Acting Director Badiner.
- It is unfortunate that the voices of 100 have been ignored as opposed to the voices of four members of the Coalition who had a private meeting with Mr. Badiner.
- It would be nice to just pick up the phone and call Mr. Badiner and schedule a private meeting with him.

Angelica Cabande - SOMCAN

- They demand that the original Housing Element be passed without the amendments.
- The public did not have time to see and comment on these amendments.

Tony Robles

- He is a fourth generation San Franciscan.
- He opposes the amendments issued by Director Badiner.
- There has not been comment on these amendments.
- The wording of the amendments leave out affordable housing, transit corridors, etc.

Angel Kienes

- He recommends that the Housing Element be passed without the amendments.

Richard Marquez – Mission Agenda

- He knows that the Housing Element will be passed and that this is a done deal.
- As a native he knows that there has been a great divide in this City.
- The Housing Element has been postponed so many times.
- Maybe this is a play by Director Badiner to become the permanent planning chief.

Serena Bardell – Golden Gate Valley Neighborhood Association

- She has been very impressed on the people speaking of the opposite side.
- It seems that the point of the matter is will San Francisco build housing for everyone that lives here and who does not earn enough to buy affordable housing and say forget about the look of the City even though they make everyone feel guilty and ashamed?
- She does not envy the member of the Commission.
- She does not feel very good about the situation.

Cris Durazo – South of Market Community Action Network

- She asked that the Housing Element be passed without the amendments.
- The plan is supposed to guide development. It is disheartening to read that it proposes to eliminate transit.
- The public deals with all this. This is the hardest part.
- She is upset about this because they were not asked to participate in these meetings.

Beverly McAllister

- She is not afraid and concerned about the law and due process because it has been compromised in this process.
- She does not like negotiations without full disclosure.
- She is opposed to the Housing Element with or without the amendments.
- If one of the major concerns of the amendments to the Housing Element is to increase affordable housing, the percentage of new affordable units should be greater than the percentage allowed for in the amended Housing Element.
- New development should not be proposed on transit lines until transit is improved.

Mary Beth Starzell

- This public hearing was virtually unnoticed.
- The rush for approval for something that was not properly noticed is very negative.
- It is possible to ruin a City and it takes a long time to bring it back.
- Why not begin the process all over again and do everything right and craft a Housing Element the way it should be?

Cynthia Coleman – Presidio Heights Association of Neighbors

- Everything has been covered so she does not need to repeat it.
- There is no real meaning for "neighborhood support".
- There is a long way to get this properly amended.

Karen Niglio – Merced Manor

- She did not get any notice of the Housing Element's red book and its amendments.
- There were a selected few people who were chosen to participate and make decisions.
- To go forward and do amendments without real public input is negative to due process.
- If there is going to be an increase in density, everyone should understand what the impacts are.

Marilyn Amini

- The negotiation was done by a few people and only 11 out of a 40 member association voted for the amendments.
- The notification for this issue was not done correctly.
- SPUR said they would continue to work for density along transit corridors when they were the group that designed this whole General Plan.

ACTION: Approved as Amended:

1. Memorandum from Lawrence Badiner to the Planning Commission dated April 20, 2004, which revised the Housing Element Proposal for Adoption, May 2004.

2. The amendment also adopted by the Planning Commission at the hearing on May 13, 2004 which reverts Objective 1 ("IDENTIFY AND MAXIMIZE OPPORTUNITIES TO INCREASE THE SUPPLY OF HOUSING IN APPROPRIATE LOCATIONS CITYWIDE.") to the language of the 1990 Residence Element Objective 1:

"TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND"; and

3. The Housing Element Proposal for Adoption, May 2004, as revised by 1 and 2 above.

AYES: Antonini, Bradford Bell, S. Lee, W. Lee

ABSENT: Boyd and Hughes

MOTION: 16787

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

David Levy

Re: 3172-3178 Mission Street

- He was here on April 1, 2004 representing the Dabel family for a project at 3172-3178 Mission Street (a project that provides three affordable housing units). The Dabels are also the neighbors of a proposed 20 unit residential project that would be built right up to the property line and would block an entire side of the Dabel's building with windows, some of which provide light and air.
- The Commission approved the Conditional Use portion of the project. His clients mentioned that they don't object to the project in general but asked for a small light well that would retain light and air to two bedroom windows and therefore keep those units legally habitable.
- The Commission added a finding to direct the Zoning Administrator to decide what the light well should be and make it part of the rear yard exception.
- The finding is not included in the resolution or motion. He has spoken to staff and they mentioned that they will listen to the tape and include that.
- The Department has just informed them that they intend to grant the rear yard exception without any provisions for a light well or any accommodations for the neighboring building. The reason given is that the neighboring apartment unit could be reconfigured to provide it's light and air some other way. That is not what the Planning Code states and that is not what the Commission's decision was:
- It is important to bring this to the attention of the Commission.
- He is not sure what the Commission could do.

Adjournment: 11:05 p.m.

THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 17, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Boyd, Bradford Bell, Hughes, S. Lee
EXCUSED: None

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, May 20, 2004

1:30 PM

Regular Meeting

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COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:50 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Craig Nikitas – Acting Zoning Administrator; Ken Rich; May Fung; Jonas Ionin; Dan DiBartolo; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004. 0164D (W. HASTIE: (415) 558-6381)
571-573 MISSOURI STREET- east side between 20th and Sierra Streets; Lot 28 in Block 4101 - Request for Discretionary Review of Building Permit Application No. 2003.09.19.5267, proposing to construct a horizontal and vertical addition to an existing two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve the Project as Proposed.
(Continued from Regular Meeting of April 15, 2004)
(Proposed for Continuance to June 10, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to June 10, 2004.
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 2a. 2003.1061D (J. PURVIS: (415) 558-6354)
133 ST. MARY'S AVENUE - south side, west of Mission Street; Lot 031 in Assessor's Block 6722 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.07.22.0097 proposing the demolition of a fire-damaged one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
(Continued from Regular Meeting of April 15, 2004)
(Proposed for Continuance to July 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to July 1, 2004.
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 2b. 2004.0104D (J. PURVIS: (415) 558-6354)
133 ST. MARY'S AVENUE - south side, west of Mission Street; Lot 031 in Assessor's Block 6722 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.07.22.0093 proposing the construction of a three-story, two-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District
Preliminary Recommendation: Do not take Discretionary Review and approve the project.
(Continued from Regular Meeting of April 15, 2004)
(Proposed for Continuance to July 1, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to July 1, 2004.
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

3. 2004.0310D (S. SNYDER: (415) 558-6543)
457 HAMILTON STREET - North side between Bacon and Wayland Streets; Lot 19 in Assessor's Block 6043 - Request for Discretionary Review of Building Permit Application No. 2003.11.25.1150 proposing to construct a two-story rear addition in an RH-1 (House, Single Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take DR and approve revised building permit application as submitted.
DISCRETIONARY REVIEW APPLICATION WITHDRAWN

SPEAKER(S): None
ACTION: Discretionary Review Application Withdrawn

B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Consideration of Adoption – Draft Minutes of April 22, 2004.

Regular Minutes of April 22, 2004:

SPEAKER(S): None
ACTION: Approved
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

Special Joint Hearing Minutes of April 22, 2004:

SPEAKER(S): None

ACTION: Approved as Corrected: Page 3, Comment from Jack Meyers, last sentence, last word should be "condemnation."
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

5. Commission Comments/Questions

Commissioner Antonini:

Re: Housing Element

- On Tuesday there was an article in the Chronicle that spoke about the Housing Element. He felt that it captured the spirit of how the meeting went the previous Thursday.

6. (JIM CHAPPELL/MARGIE O'DRISCOLL: (415) 781-8726/362-7449)

INFORMATIONAL PRESENTATION FROM SPUR AND AIA - Informational presentation by SPUR and the AIA/SF on their joint recommendations to improve the functioning and results of the planning process in San Francisco.

Presentations From:

Charles Higuera – President of the San Francisco Chapter of the American Institute of Architects

- He initiated the thought of the report "Planning for the City's Future" in late 2003. At that time there was the potential to combine information on both the Department of Building Inspection and the Planning Department.
- After completing the report they submitted it to the Mayor.
- They have broadly distributed the report to various organizations interested in planning and building.

Gabriel Netcaff – Deputy Director of SPUR

- The report puts out a long list of ideas in great detail.
- He is in charge of hitting what seems to be the biggest themes that pertain to the Planning Department. They will be doing the same for the Department of Building Inspection.
- The following are the various issues dealt with in the report: 1) A need to focus more on planning as opposed to projects; 2) Fix the division of labor between Planning and the Board of Supervisors; and 3) The need to integrate Planning with other departments.

Peter Winkelstein

- The things that take a lot of time are Discretionary Review (DR) hearings and Conditional Use (CU) hearings.
- He believes that CUs could be eliminated on projects like housing that is taller than 40 feet even if it is allowed.
- Besides trying to get funding from the General Fund, the Department should look for partnerships.
- One of the things that are very important is that the Department have a new director. It is clear that the Department is having difficulties in this area.
- It is important to determine what kind of director the Department needs and that the new director be allowed to pick his/her own team even if this means changes in Civil Service.
- Planners don't fully understand what DBI's functions are and vice versa so it is important also that each Department have good communication.
- Because planning is involved in land use, staff needs to push for either putting all transportation planning in one place or establishing processes with other departments.

SPEAKER(S):

Marilyn Amini

- SPUR has been the author of high density in the Housing Element for many years.
- SPUR is out of sync with the community.

- In June of 2003, there was a Charter amendment introduced which talked about combining DBI with the Planning Department. That is nothing new.
- There has not been effective outreach.
- It is very patronizing that SPUR talks about the lack of trust between the Department and the community.
- The community has to have as much input as possible.

John Bardin

- The Inner Sunset community has been working with the Planning Department for many years.
- This is a new Commission and they came aboard because there were a lot of problems going on.
- The Commission does not plan for other agencies. Right now it is not a Planning Department, it is a "Planning Approval Department."
- Right now there is no Planning Department Head.
- The timeline for projects is too long.

Dick Millet

- He is an architect and a member of SPUR.
- He has a problem with everything that SPUR has mentioned. AIA does not do enough community service so he discards them from the beginning.
- There is no certainty right now.

Hiroshi Fukuda

- Regarding Comments by Sue Lee when she encouraged members of AIA and SPUR to become commissioners, this might be well intended but the public is not well represented.
- He is a pharmacist. One of the biggest influences in the medial field are the pharmaceutical representatives because they are salespeople. They don't really say what is best for the public because they just want to tell you what is best for their bottom line.
- He feels that Planning is similar to the pharmaceutical industry.

ACTION: None. Informational only.

7.

(ROBERT DAVIS: (415) 554-5793)

ENTERTAINMENT COMMISSION PRESENTATION Presentation from the Executive Director of the Entertainment Commission to the Planning Commission on the functions and duties of the Entertainment Commission.

Presentation From:**Robert Davis – Director of the San Francisco Entertainment Commission**

- He is glad to be hear and speak about the cross functions between the Commissions and how the two departments can work better together.
- The Commission is comprised of seven members and by ordinance are designated from different industries.
- The present of the Commission is Terrance Alan and comes from the industry; Audrey Joseph who is also an industry representative; Bowman Leong is an urban planner and comes from the land use segment of the population; Bruce G. Loren is a retired police lieutenant and represents law enforcement; Jim Meko represents neighborhoods, Dr. Jordan Shlain represents neighborhood interests; Erick Joseph Preg represents the emergency medical type of businesses.
- The members of the Commission are appointed by both the Board of Supervisors and by the Mayor, and they are termed positions.
- The Entertainment Commission has the duty to review, gather information and conduct hearings for entertainment related permit applications.
- The Commission has the authority to issue permits, issue warnings, and suspend or revoke permits.
- They would like to know that a use is permitted or acceptable so they will not hear a project until it has gone before the Planning Commission.
- If there is an expansion or alteration, these are sent to the Planning Commission as well.

- They would like for both Commissions to more closely coordinate their actions because there are some projects that are time related.
- The entertainment industry is an industry that hires very large numbers of employees.
- As residential communities expand, opportunities for entertainment venues have decreased. He believes that entertainment venues can exist in residential communities.
- It is important to emphasize the good neighbor policy and actually have this attached to all permits.
- He thanked staff for their help to date.

SPEAKER(S):

Dick Millet

- Entertainment venues do have problems and don't always get resolved.
- Do permits have to go first to the Planning Department?
- For one of the Entertainment Commission meetings there was a permit that was advertised before the permit was requested.
- What if the entertainment permit is on Port property?
- He is a big supporter of notification, notification, and notification.
- When do permit requestors take care of extra parking?
- He does not want to close the clubs, but the industry has changed.
- Sometimes the noise is just too loud.

ACTION: None. Informational only.

C. DIRECTOR'S REPORT

8. Director's Announcements

Re: Director's Search

- Last week this item was on the calendar, a member of staff, Geoffrey Nelson mentioned that he had received cash for \$400 dollars and this was stated in the chronicle indicating that it was a bribe. This was not a bribe. He thinks that it was more of a cultural thing and Mr. Nelson spoke to his supervisor, to the city Attorney and talked to the Ethics Commission. Mr. Nelson expressed to the project sponsor that it was an inappropriate thank you and refused to accept it. Mr. Nelson did suggest that the project sponsor make a donation to a non profit organization.

Re: New Commissioner

- There will be at least one new Commissioner in the near future.

Re: Mr. Nikitas

- He is pleased to let everyone know that Mr. Nixon will be back in the office next Monday.
- He thanked Mr. Nikitas for taking over the responsibility with very little notice and little financial support.
- He appreciates the work of Mr. Nikitas for the past few months.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

BOS –

Land Use Committee

Re: Sunset and Presidio Carnegie Libraries as Landmarks:

- This item passed and will be heard at the Full Board of Supervisors.

Re: Citywide Bike Plan:

- There is some concern expressed on how the environmental review could be expedited.

BOA – None

D. REGULAR CALENDAR

10. 2003.12201 (K. RICH: (415) 558-6345)
CITY COLLEGE OF SAN FRANCISCO - Submission of 10 year Institutional Master Plan by City College of San Francisco and subsequent public hearing as per Planning Code Section 304.5 (d). The purpose of this hearing is for the receipt of public testimony only, and shall in no way constitute an approval or disapproval of the institutional master plan by the Planning Commission.
 Preliminary Recommendation: No Commission Action is required.
 (Continued from Regular Meeting of May 6, 2004)

SPEAKER(S):

Barbara Moloney – BMS Design Group

- There are 12 different sites for City College.
- The process for community outreach consisted of facilities advisory committee meetings; three community workshops; community site walks; CCSF Board Meeting Updates; etc.
- Most of the work will be occurring on the main campus on Phelan Avenue.
- There is a request for a new Chinatown Campus and Mission Campus.
- The main campus consists of about 60 acres. The college also occupies a large site with some parking on the PUC reservoir across the street.
- The project facilities program would be a community wellness center; student health center; childcare center; theater, music visual and media arts center; and academic facility.
- The main campus has very interesting older buildings.
- The Plan elements are land use, transportation and parking, open space, etc.
- The master plan concepts include improved pedestrian environment and increased transit use; long term flexibility; support of neighborhood revitalization; and an improved image and identity of campus.
- The plan recommends the reconfiguration of the reservoir.
- The reservoir is challenged by a very severe topography.
- Future development of the areas would be to construct new facilities on the western part of the campus.
- The plan is a ten-year plan.
- The plan also has recommendations for BART because it is so close to the campus.

Jeremy Nelson – Policy Director – Transportation for a Livable City

- TLC is troubled that the Master Plan seems to prioritize increasing the on-campus parking supply and continue to provide parking subsidies rather than an adoption of best practices in “transportation demand management” to better manage the existing parking supply and provide improved incentives and infrastructure to improve access for the large portion of the City College main campus.
- TLC urges the Commission to ask City College to: 1) establish specific mode share goals; 2) set timetables for accomplishing these goals; 3) report back to the Planning Department and Commission annually in order to share their progress towards these goals with the City College community, their neighbors and the general public.

Peter Winklestein

- SPUR has looked at this master plan and believes that it is excellent.
- They would like to add more discussion of sustainability in terms of sustainable construction and utilities function and housing.

ACTION: No Action Required.

11. (M. FUNG: (415) 558-6364)
DISCRETIONARY REVIEW COST RECOVERY PROGRAM - On September 25, 2003, the Planning Commission directed the Department to implement full cost recovery for all Discretionary Review (DR) requests, as provided in Sections 352(b) and 350(c) of the

Planning Code. On March 4, 2004, the Planning Commission continued the Discretionary Review (DR) Cost Recovery hearing to April 22, 2004 and again to May 20, 2004 for interested neighborhood groups and department staff to problem solve on how to balance the Department's financial deficit from Discretionary Reviews against the needs of the neighborhoods for affordable Discretionary Reviews. The Department is now proposing that Discretionary Review applicants and permit applicants for all building permits reviewed by the Planning Department share the cost of Discretionary Reviews. This would be accomplished by imposing a Building Permit surcharge on all building permits reviewed by Planning and a fee increase for DR to \$300 from \$133. Preliminary Recommendation: To initiate the code amendment to allow the Department to add a Building Permit surcharge for all building permits reviewed by Planning to subsidize Discretionary Reviews and modify the Planning Code Fee Ordinance to increase the initial Discretionary Review fee to \$300 from \$133 to partially cover the Discretionary Review cost.

SPEAKER(S):

Re: Continuance

Judy Berkowitz

- This is all contingent upon hearing the pre-application item.
- If the pre-application process is put into effect, then there will not be a need for the other items.

Re: Merits of the Case

Paul Wermer – Neighbohrood Network

- They support this proposal strongly.
- The one suggestion he has is to consider exempting smaller projects like for example having a \$10,000 cut off.
- He is very pleased with the outreach form the department.

Judy Berkowitz

- She thanked Ms. Fung for being exemplary in the outreach. Her organization was divided on whether to charge fees or not.
- She hopes to have the pre-application policy approved with a review after about a year. Then the other policies might not be necessary and there would not be a need for a surcharge.

Penelope Clark – Russian Hill Neighbors

- She is glad that staff is not recommending four figure fees.
- In her neighborhood there are a lot of old non conforming developments.
- A code compliant project located in the mid block might not be appropriate for her neighborhood.
- Although she realizes that the city has budget issues, these fees should be reasonable.

Ron Miguel

- Ms. Fung was extremely generous with her outreach time.
- This policy should proceed now.
- The fee ordinance as proposed is correct and just.
- Quite often, there is more than one filer. If two or more got together the fees would be able to be met.

Steve Hiello – Zero Design Co.

- He has been before the Commission before.
- He hopes that the Commission will enforce the full fee recovery.
- There are no reasons for a Discretionary Review to fall under exceptional or extraordinary.
- DR's are simply a private interest.
- The DR problem is not just for project sponsors. Many DRs are abused by people who use it most often.

Bob Clausner – Community Boards

- He thanked staff for the manner of outreach allowing the community to offer input.

- He recommended an approach for consideration when the Commission makes their determination on changes to the fee schedule.
- He believes that simple and complex requests for DRs should both receive minimal initial review when being categorized and described as to whether or not they are exceptional or extraordinary. For both types, the filer should pay for the full cost of that assessment. Since under no circumstance will simple DRs require further staff information gathering, they are actually paying their way in terms of the staff time devoted to the request.
- The Planning Commission may remand back to staff, for further background information and modification, complex DRs that have an exceptional element.
- He suspects that the number of these cases will be relatively few and will not justify setting up an elaborate monitoring or accounting system.

Jeremy Paul

- He encouraged more reliance on mediation and community boards.
- The DR process has become a crutch for staff.
- So many cases could be resolved at the staff level.
- He actually enjoys working on DRs, but it has gotten ridiculous.

Hiroshi Fukuda

- Regarding the DR fee increases, it may be a bit expensive for most and not for others.
- Regarding the issue of exceptional or extraordinary, it actually depends on where you live.
- DRs should be made available.
- DRs should be at the lowest possible cost.

Marilyn Amini

- There are complex issues involved here.
- If there were a pre-application process that dealt with all projects that would trigger a 311 notification process, issues would arise proactively and could be dealt with.
- The authority for approving applications rests with the Planning Department so there is a responsibility from the Commission to consider the affects of the project on the surrounding properties.
- If there are issues that are not addressed by the Planning Code or by the Residential Design Guidelines, then these situations are extra or other than ordinary.
- Every staff member working on this ordinance has different amounts of money listed in their reports.

ACTION: No Action Required.

12.

(J.IONIN: (415) 558-6309)

DISCRETIONARY REVIEW POLICY - Consideration of three options for a 'Simple vs Complex' Discretionary Review Policy and creation of a Pre-Application process for new construction and certain alterations in RH and RM districts.

Preliminary Recommendation: Adoption of Option 1.

(Continued from Regular Meeting of April 1, 2004)

NOTE: On February 19, 2004, a proposal to amend the Planning Code Text to establish an Administrative Discretionary Review Policy failed to receive approval. At that hearing, the Commission directed the Department to explore criteria for Simple Discretionary Review vs. Complex Discretionary Review. The Commission scheduled the review of this proposal for April 1, 2004. At the April 1, 2004 hearing it was continued to allow interested parties time to review the proposal.

SPEAKER(S):

Paul Werner

- The pre-application process is popular with the neighborhood groups because it will reduce DRs.
- There should be some type of document control.

- Breaking the DRs into complex and simple is great because it will reduce staff time.
- It is important that with simple DRs, the Commission does not arbitrarily limit public comment.

Ron Miguel – Planning Association for the Richmond District

- He likes the pre-application process.
- He believes that the determination of exceptional and extraordinary would in affect create a body of case law.
- Full and complete submission to the Department of rejections should be applied.
- Full consideration of the Residential Design Guidelines.
- Page 11, Option 2, Number 10– This has no consideration for neighborhood associations.
- Maybe this will reduce the number of DRs, or at least the amount of time spent on them.

Peter Winkelstein – AIA and SPUR

- The pre-application process should considered--see if this is actually required.
- Regarding the options, both the AIA and SPUR support all of them.

Hiroshi Fukuda

- One of the key elements that is missing is to say: "pre-application process" will be tried for six months.
- Planning should inform the applicant with the entire information.

Penelope Clark – Russian Hill Neighbors

- The pre-application process should be given a chance to see what would result.
- This would be a good way to start.
- Many people from her neighborhood do not understand the process.

Judy Berkowitz – Coalition for San Francisco Neighborhoods

- The most common sense and practical way to deal with this is to sever the pre-application from the rest of the policy changes and implement it for a period of a year. If a cost recovery fee needs to occur after that, then it could be implemented.
- The pre-application process should be broadened. Clarifying the contradictions between the Planning Code and the Residential Design Guidelines could reduce the number of DRs.
- Standard issues should be resolved before a project goes before the Commission.

Kirk Scott

- He requested that the Commission take some action today.
- The time is now to change this process and to do something.
- He encouraged the Commission not to continue this item and to take some action today.
- He supports Option 1.
- It has been so long and so difficult to have any changes made.

Bob Klausner

- On a pre-application, whoever feels impacted would give their information to the planner of the project.
- Communication can mess things up very badly.
- It is important to take into account how much time is used in the pre-application process.

Steven Hiello

- He supports a trial period.
- There is no clear set of numbers.
- It is important to assign one staff person to set up collecting DR data.
- He submitted a proposal of more specific ideas.
- Many owners feel that they have their lives completely put upon when their neighbors design their projects.
- It is not possible to please everybody.

Marilyn Amini

- The DR as-of-right is very important with the Residential Design Guideline's emphases on neighborhood character.
- She feels that anything that triggers a 311 notice should really be subject to the pre-application process.
- The outreach to the impacted community will limit DRs.

- The question of what constitutes complex with simple DRs is important.
- All projects should get the amount of review needed before coming to the Planning Commission so that no more work is necessary.

ACTION: Adopted the pre-application process and option 3 with a review period of 8 months after implementation.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16787

13. 2003.1255DD (D. DIBARTOLO: (415) 558-6291)
2051-2057 GREEN STREET - south side between Webster and Buchanan Streets: Lot 026 in Assessor's Block 0556 - Requests for Discretionary Review of Building Permit Application No. 2003.10.22.8225, proposing to extend the garage into the rear of the ground floor, infill two existing lightwells at the ground floor only, and add an elevator to access all four stories of the two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Cornelia Tilney – 1st Discretionary Review Requestor

- She is also representing her neighbor who lives in the bottom apartment of her house.
- The neighbors illegally built a very long extension from the back of their home.
- The City asked to reduce the extension but there is still a back stairway in the back.
- She is not asking that the Commission not approve the permit but rather to approve the project with some conditions: 1) remove the proposed new light well windows; 2) relocate proposed gas heaters; 3) require that the elevator be the quietest one available; 4) make permit approval contingent upon the Kelly's tearing down their illegal back deck; 5) paint light well walls and elevator with mutually agreeable white tone reflective paint; 6) provide a ventilation system for the light well; 7) and that their structural engineer review the project sponsor's plans.

(-) Pat Buskavich – Representing 2nd Discretionary Review Requestor

- Several of the issues his client had have been resolved.
- The project sponsor is designing a two or three car garage for a two unit building.
- He does not see any reason to get a two car garage and have matched light wells.
- This project does not meet Residential Design Guidelines.
- It is true that not everyone requires the same amount of ventilation.

(-) Allan Zumberti

- It is not his intent to try to stop the project.
- When does one property owner's rights stop and another's begin?
- He renovated a room where his concern was to add light and air and now his neighbor wants to put a wall there.
- He does not agree with staff's conclusions.
- The proposed project will have an economic impact on him.

(+) Jeremy Paul – Representing Project Sponsor

- The project sponsors have owned their home since the 30s.
- The proposed construction will not have any impact on the light well.
- Structural design for this project has not been completed yet.
- The issues regarding creating an inset into the garage would create a real difficulty for senior citizens to drive in and out of their garage.
- The accommodation will impact the proposed project and does not equate to the impact on the patio that has been developed.
- He gave a PowerPoint presentation displaying photographs of the light well, garage, etc.

ACTION: Took Discretionary Review and approved the project with the following amendments:

1) At the west wall of the project, at the location of the in-filled light well, the roof at the shared side property line shall not exceed eight(8) feet in height and shall be sloped from this point in a manner that provides for adequate rainwater drainage;

2) At the location of both in-filled light wells, the project sponsor is required to use opaque material for all new window openings facing towards the Discretionary Review Requestors' properties.

3) At the east wall of the project, the project sponsor shall use the most effectively sound rated equipment that is possible.

4) At the east wall of the project, the project sponsor shall paint the elevator shaft a reflective color to provide for enhanced light at the shared light well area.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

14. 2004.0330D (D. DIBARTOLO: (415) 558-6291)
2423 LEAVENWORTH STREET - west side between Francisco and Chestnut Streets: Lot 004 in Assessor's Block 0048 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.12.16.2412, proposing to merge three dwelling units into two dwelling units in an RH-1 (D) (Residential, House, One-Family, Detached) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the proposed dwelling unit merger.

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the merger.

AYES: Antonini, Bradford Bell, Boyd, S. Lee, W. Lee

NAYES: Hughes

15. 2003.1250L (T. TAM. (415) 558-6325)
1201 ORTEGA STREET - southwest corner of Ortega Street and 19th Avenue, Assessor's Block 2115, Lot 37. The proposal is to designate the Infant Shelter/San Francisco Conservatory of Music building, constructed in 1928, as City Landmark No. 242. The property is zoned RH-2 (Residential, House, Two-Family) and is in a 40-X Height and Bulk District.
Preliminary Recommendation: Approve Landmark Designation.

SPEAKER(S): None

ACTION: Without hearing, item continued to May 27, 2004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

16. 2001.0563L (T. TAM: (415) 558-6325)
351-359 9th AVENUE - west side between Geary Boulevard and Clement Street, Assessor's Block 1441, Lot 7. The proposal is to designate the Carnegie Richmond Branch Library, constructed in 1913, as Landmark No. 247. The property is zoned P (Public) and is in a 40-X Height and Bulk District.
Preliminary Recommendation: Approve Landmark Designation.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes; S. Lee, W. Lee

MOTION: 16788

17. 2002.0268L (M. CORRETTE: (415) 558-6295)
165 10th STREET - east side of 10th Street between Mission and Howard Streets, assessor's Block 3509, Lot 14. The proposal is to designate the James Lick Baths / People's Laundry building at 165 10th Street as Landmark No. 246. The building is listed in Here Today, in the South-of-Market Area Plan, and in the 1976 Architectural Survey. It is in an SLR (Service Light Industrial, Residential) District, and located in a 50-X Height and Bulk District.

Preliminary Recommendation: Approve Landmark Designation.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16789

- 18a. 2003.1102D (J. PURVIS: (415) 558-6354)
361 ELSIE STREET - east side south of Cortland Avenue; Lot 023 in Assessor's Block 5676 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2003.08.08.1577 proposing the demolition of a one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District and within the Bernal Heights Special Use District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Demolition (Continued from Regular Meeting of April 15, 2004)

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 18b. ~~2003.1103D~~ 2004.0104D (J. PURVIS: (415) 558-6354)
361 ELSIE STREET - east side south of Cortland Avenue; Lot 023 in Assessor's Block 5676 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2003.08.08.1581, proposing the construction of a three-story-over-garage two-family dwelling in an RH-2 (Residential, House, Two-Family) Use District, a 40-X Height and Bulk District and within the Bernal Heights Special Use District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Project. (Continued from Regular Meeting of April 15, 2004)

SPEAKER(S): None

ACTION: Did not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

19. 2003.1324D (E. TOPE: (415) 558-6316)
2614 SACRAMENTO STREET - north side between Steiner and Scott Streets; Lot 014 in Assessor's Block 0631 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of dwelling unit mergers, of Building Permit Application No. 2003.09.24.5627S, proposing to merge three dwelling units to one dwelling unit in an RH-3 (Residential, House, Three Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the application with modifications.

SPEAKER(S):

(+) **Jay Slevinson – Project Architect**

- The two units are on the main structure. The units have been Ellis Acted and cannot be occupied until 2007.
- The property has an extremely confusing layout.
- There is not a permit to definitively add a legal unit.
- The documents show that sometime after 1950, two units emerged but he does not know how.
- The building does not meet the requirements for a three-unit structure.
- The proposed project would bring the property closer to the conformity of the properties in the neighborhood.
- The property is out of character because it is currently too dense.

(+) **John Dow – Legal Counsel**

- The owner will be stuck with a unit they cannot do anything with since it has been Ellis Acted.
- The owner has a right to be able to return this property to a single-family unit.

ACTION: Did not take Discretionary Review and approved the merger

AYES: Antonini, Bradford Bell, Boyd, W. Lee

NAYES: Hughes and S. Lee

20. 2003.0855C (M. WOODS: (415) 558-6315)
680 - 682 HAIGHT STREET - north side between Pierce and Steiner Streets; Lot 019, in Assessor's Block 0847 - Request for Conditional Use authorization under Planning Code Sections 161(j) and 303 to eliminate an existing one-car parking space within a garage on the ground floor to make room for a proposed retail/commercial space. The two-story building contains a parking space and commercial space on the ground floor and a dwelling unit on the second floor. The site is within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with conditions.

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16790

- 21a. 2003.1159CR (B. FU: (415) 558-6613)
1001 POTRERO AVENUE - southwest corner of Vermont Avenue and 22nd Street, Lot 001, Assessor's Block 4154 - Request for a General Plan Referral to determine if the construction of a wireless telecommunications facility for Cingular Wireless on the roof of San Francisco General Hospital is consistent with the objectives and policies of the General Plan.
 Preliminary Recommendation: Determination that the project is consistent with the objectives and policies of the General Plan.

SPEAKER(S):

(+) **Darrell Doherty – Cingular Wireless**

- He is available for questions.

ACTION: Found to be consistent with the General Plan objectives and policies.

AYES: Antonini, Bradford Bell, Hughes, Boyd, S. Lee

ABSENT: W. Lee

MOTION: 16791

- 21b. 2003.1159CR (B. FU: (415) 558-6613)
1001 POTRERO AVENUE - southwest corner of Vermont Avenue and 22nd Street, Lot 001, Assessor's Block 4154 - Request for Conditional Use Authorization pursuant to Section 234.2 of the Planning Code to install a wireless telecommunications facility consisting of six (6) panel antennas and six (6) related equipment cabinets on an existing seven-story publicly-used structure (San Francisco General Hospital) as a part of Cingular's wireless telecommunications network within a P (Public) Zoning District and a 105-E Height and Bulk Designation. The project would establish a new use on City-owned property and a General Plan Referral is required. A finding of consistency with the General Plan is necessary and has been submitted.
Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as those listed for Item 21a.
ACTION: Approved
AYES: Antonini, Bradford Bell, Hughes, Boyd, S. Lee
ABSENT: W. Lee
MOTION: 16792

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 8:11 p.m.

THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 10, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Hughes, S. Lee, W. Lee
EXCUSED: None

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 27, 2004

1:30 PM

Regular Meeting

JUL 14 2004

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Kevin Hughes,
Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:40 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Jim Nixon – Zoning
Administrator; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2004.0058D (D. SIROIS: (415) 558-6313)
1430 43RD AVENUE - east side between Kirkham and Judah; Lot 038 in Assessor's Block 1811 - Request for Discretionary Review of building permit application No. 2003.09.04.3873 seeking to construct a vertical addition and lateral addition on an existing single-family dwelling in an RH-1 (Residential House, Single-Family) District and in a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve permit with modifications.
(Continued from Regular Meeting of May 13, 2004)
(Proposed for Continuance to June 10, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 10, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

2. 2003.0106D (M. WOODS: (415) 558-6315)
1910-12 STEINER STREET - east side between Wilmot and Bush Streets; Lot 018 in Assessor's Block 0659 - Mandatory Discretionary Review, under the Planning

Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.06.16.7169, proposing to merge two dwelling units to a single-family residence in an RH-3 (Residential, House, Three-Family) District and 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.

(Continued from Regular Meeting of March 25, 2004)

(Proposed for Continuance to June 24, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 24, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 3a. 2004.0032D (J. PURVIS: (415) 558-6354)
43 HAMILTON STREET - east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all housing demolition permits, of Demolition Permit Application No. 2002.10.17.9296 proposing the demolition of a one-story, single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve demolition.
 (Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to July 1, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to July 1, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 3b. 2004.0033D (J. PURVIS: (415) 558-6354)
43 HAMILTON STREET - east side south of Silver Avenue; Lot 007 in Assessor's Block 5919 - Mandatory Discretionary Review, under Planning Commission policy requiring review of all replacement structures following residential demolition, of Building Permit Application No. 2002.10.17.9298 proposing the construction of a two-story single-family dwelling in an RH-1 (Residential, House, One-Family) Use District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve project.
 (Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to July 1, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to July 1, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 4a. 2003.0047DDDDDDDDDDDV (G. NELSON: (415) 558-6257)
44 LURMONT TERRACE - a cul-de-sac on the north side of Leavenworth Street between Greenwich and Lombard Streets; Lot 025 in Assessor's Block 0071 - Mandatory Discretionary Review and Requests for Discretionary Review of Building Permit Application No. 2003.05.08.4122, proposing the construction of a four-story, single-family dwelling within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The related demolition, Case No. 2004.0030D is not before the Commission under the Residential Demolition Policy because the home to be demolished is appraised at greater than \$1.2 million.
 Preliminary Recommendation: Take Discretionary Review and approve with modifications.
 (Continued from Regular Meeting of March 11, 2004)

NOTE: On March 11, 2004, following public testimony, the Commission continued the matter to May 27, 2004, by a vote +5 -2. Commissioners expressed concern with the size of the proposed house, the unusable interior space, and the top floor. Commissioners Boyd and Feldstein were absent. Public Hearing Remains Open.
DISCRETIONARY REVIEW REQUESTS HAVE BEEN WITHDRAWN

SPEAKER(S): None

ACTION: None. Discretionary Review requests were withdrawn.

- 4b. 2003.0047DDDDDDDDDDDDV (G. NELSON: (415) 558-6257)
44 LURMONT TERRACE - a cul-de-sac on the north side of Leavenworth Street between Greenwich and Lombard Streets; Lot 025 in Assessor's Block 0071 - Request for Variance from the rear yard requirements of the Planning Code to construct a single-family dwelling partially into the required rear yard, within an RH-3 (Residential, House, Three-family) District, and a 40-X Height and Bulk District. Section 134 of the Planning Code states that in an RH-3 District, in the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, the minimum rear yard depth shall be 25 percent of the total depth of the lot, or 15 feet, whichever is greater. On the approximately 80-foot deep subject lot, this results in a rear yard requirement of 20 feet, with the south side of the lot being considered the rear. The proposed construction would project into the required rear yard by up to 11 feet at the ground (garage) floor level, extending to within 9 feet of the south property line. The application requesting a Variance will be heard by the Zoning Administrator.
(Continued from Regular Meeting of March 11, 2004)
Zoning Administrator Continued Item to May 27, 2004. Public Comment Remains Open.
REAR YARD VARIANCE HAS BEEN WITHDRAWN

SPEAKER(S): None

ACTION: None. Rear Yard Variance request has been withdrawn.

5. 2003.0724C (M. WOODS: (415) 558-6315)
1287-89 11TH AVENUE - west side between Irving Street and Lincoln Way; Lot 19, in Assessor's Block 1739 - Request for Conditional Use authorization under Sections 303 and 730.39 of the Planning Code to demolish two residential units on the second and third floors of a building on an approximately 2,400 square-foot lot in the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk Districts. The proposed project would demolish the existing two-story over garage, two-family building and construct a new three-story over three-car garage building containing three dwelling units.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of April 15, 2004)
CONDITIONAL USE APPLICATION HAS BEEN WITHDRAWN

SPEAKER(S): None

ACTION: None. Conditional Use Application has been withdrawn.

6. 2004.0216D (S. SNYDER: (415) 558-6543)
459 RHODE ISLAND STREET - East side between Southern Heights Avenue and 22nd Streets; Lot 44 in Assessor's Block 4095 - **Request for Discretionary Review** of Building Permit Application No. 2003.10.29.8840, proposing to raise the walls and create a gable roof on a dwelling in an RH-2 (House, Two Family) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve revised building permit application as submitted.

(Continued from Regular Meeting of May 13, 2004)

DISCRETIONARY REVIEW APPLICATION HAS BEEN WITHDRAWN

SPEAKER(S): None

ACTION: None. Discretionary Review request was withdrawn.

B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Commission Comments/Questions

Commissioner Sue Lee:

Re: Process Question

- Many times when a Discretionary Review is brought before them the DR requestor has issues that are not always the same as the issues that Commissioners have.
- Regarding cases that have been withdrawn, are these projects going forward? Are they being dropped? What does the Department do when a DR project is withdrawn but the project has not accommodated the requests from the Department regarding modifications? How is this tracked?

Acting Director Badiner responded:

- Regarding Lurmont Terrace, the project has been withdrawn and will be reconfigured as an alteration. The Department will take a fresh look at it when it is resubmitted. If there is a project that the Department has brought before the Commission, staff will take into account the Commission's concerns.

Acting Zoning Administrator Jim Nixon responded:

- On a case that is withdrawn/re-submitted, when staff is aware that the Commission is concerned about certain issues and staff sees those evidence of those issues in the (new) plans, staff would still bring the project before the Commission.
- The Commission can also request a Discretionary Review on any project.

Commissioner Antonini:

Re: Cell Phone Installation for 2599 Lombard Street

- When a cell phone installation comes before the Commission and the emissions are below the standards, what the Commission decides upon is the information they are provided.
- The only way that the Commission would be able to change the way things are addressed would be if there were any appraisals in terms of the coverage and capacity.
- The Commission is taking the information as valid representations.

Commissioner Bradford Bell:

- She asked that the meeting today be held in memory of Annie Powell who was killed in the Bay View District.
- When people have asked her why she does what she does, she was never able to articulate it until today. She does what she does so that people like Annie are able to have a future.
- Today's meeting is going to be about humanity, positive forward movement, and cooperation.

C. DIRECTOR'S REPORT

8. Director's Announcements

- Welcomed Jim Nixon back to the hearing.

Re: Upcoming Issues

- The Mayor will release the budget on June 1, 2004.
- The fee ordinance will be heard on Thursday, June 3, 2004.

Re: Commissioner Antonini's comment:

- Commissioner Antonini is correct.
- Planners don't have the ability to know if the information submitted to them is correct-- they are not wireless engineers. The battles over antennas are being fought about health issues more than anything else.
- It becomes a planning issue as a substitute for what they can talk about.
- Unless the Planning Department hires wireless engineers, planners will continue to struggle with whether an antenna installation is necessary or desirable.
- Maybe this needs to be dealt with at a federal level.

9. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –

Re: Special Planning Audit Committee

- He attended this hearing last Friday.
- It was mostly a positive discussion.
- The most important thing was that towards the end, Supervisor Peskin brought up the management structure of the department.
- The issue about this was actually about how many senior planners there are, etc.
- Sup. Peskin expressed that the senior management level was too heavy.
- This will be an ongoing discussion this budget year.
- He believes that the senior management level is good. There are good people at that level.

*Re: Special Finance Committee*1) Release of funds for the Eastern Neighborhoods

- There was \$127,000 still on reserve for the Eastern Neighborhoods environmental review. Staff has not been able to continue with this environmental review because only a quarter of the funds had been released. The remaining amount was finally released

2) Supplemental to cover salaries for the past year. The fee ordinance was pulled for legal reasons but the budget is based on those fees, which means that salaries based on those projected fees and approved budget still need to be covered. This item was pulled to do more research on it.

3) 690 Market Street – the Mills Act contract was being reviewed when he left the meeting. The Board did not take final action and continued the item.

BOA – None

D. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

None

E. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

- 10a. 2004.0063D (G. Cabrerós: (415) 558-6169)
141 Willard North street - west side between Turk Street and Golden Gate Avenue; lot 005
in Assessor's block 1142 - Mandatory Discretionary Review, under the Planning

Commission's policy requiring review of all housing demolition permits, of demolition permit application no. 2003.05.22.5283, proposing to demolish an existing two-unit building in an RH-2 (residential, house, two-family) district and a 40-x height and bulk district.

Preliminary Recommendation: Take Discretionary Review and disapprove demolition.
(Continued from Regular Meeting of May 6, 2004)

NOTE: On May 6, 2004, following public testimony, the Commission closed the public hearing and continued the matter to May 27, 2004 by a vote +4 -0 to allow the absent Commissioners the opportunity to participate in the final action. Commissioners Bradford-Bell and Sue Lee were absent.

SPEAKER(S): None

MOTION: To not take Discretionary Review and approve demolition

AYES: Antonini and Boyd

NAYES: Bradford Bell, Hughes, S. Lee, W. Lee

RESULT: Motion Failed

ACTION: Took Discretionary Review and disapproved demolition

AYES: Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Antonini and Boyd

- 10b. 2004.0064D (G. CABREROS: (415) 558-6169)
141 WILLARD NORTH STREET - west side between Turk Street and Golden Gate Avenue; Lot 005 in Assessor's Block 1142 - Mandatory Discretionary Review, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolitions, of Building Permit Application No. 2003.05.22.5280, proposing to construct a new four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and disapprove the application.

(Continued from Regular Meeting of May 6, 2004)

NOTE: On May 6, 2004, Following public testimony, the Commission closed the public hearing and continued the matter to May 27, 2004 by a vote +4 -0 to allow the absent Commissioners the opportunity to participate in the final action. Commissioners Bradford-Bell and Sue Lee were absent.

SPEAKER(S): None

ACTION: Took Discretionary Review and disapproved the project based on the disapproval of the demolition.

AYES: Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Antonini and Boyd

11. 2003.1015E (N. TURRELL: (415) 558-5994)
1905 MISSION STREET - Assessor's Block 3553, Lots 27, 28, 29, and 30 - **Appeal of a Preliminary Mitigated Negative Declaration.** The proposed project involves the construction of an approximately 34,369-gross-square-foot (gsf), 24-unit, five-story, residential building, which would contain about 26,900 gsf of residential use, 2,600 gsf of retail use, and 5,000-gsf of garage with 24 parking spaces. The proposed project would also include the demolition of three existing commercial buildings. Two of these buildings with a total square footage of 4,431 gsf are located at 1911 Mission Street. The third building, consisting of 1,320 square feet is located at 1581 15th Street. The approximately 8,670-square-foot project site is located at the southeast corner of Mission and 15th Streets in the Mission District. The site is in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and is in an 80-B height and bulk district.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

(Continued from Regular Meeting of May 13, 2004)

NOTE: On May 13, 2004, following public testimony, the Commission closed public hearing and continued the matter to May 27, 2004 by a vote +5 –0 in order to obtain more information from the Mayor's Office of Economic Development. Commissioner Boyd was absent.

SPEAKER(S): None

ACTION: Negative Declaration Upheld

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16793

D. REGULAR CALENDAR

12. 2003.1250L (T. TAM: (415) 558-6325)
1201 ORTEGA STREET - southwest corner at 19th Avenue, Assessor's Block 2115, Lot 37. **Landmark Designation.** The proposal is to designate the Infant Shelter/San Francisco Conservatory of Music building, constructed in 1928, as City Landmark No. 242. The property is zoned RH-2 (Residential, House, Two-Family) and is in a 40-X Height and Bulk District.

Preliminary Recommendation: Approve Landmark Designation.

(Continued from Regular Meeting of May 20, 2004)

SPEAKER(S):

(+) Mark Duffett – SPEAK

- He thanked the Commission for allowing them the opportunity to present this proposal for landmark designation.

- He hopes that the Commission will approve this designation.

- The neighbors do not oppose this proposal.

- It is essential to protect the original structure from demolition.

- The shelter has been hope for many youth.

- This site will continue to become a place of hope if the Commission approves this proposal.

(+) Robert Judson Clark – Architectural Historian and Consultant

- He has known this building since 1960.

- He is working on a book on the architect who designed this building.

- The architect was first known for the cottage he designed in the Bay Area.

(+) Harry O'Brien – San Francisco Conservatory of Music

- The Conservatory of Music is not opposed to this proposal to landmark.

- The Conservatory's only reservation to this project is knowing the specifics of making it a landmark.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

RESOLUTION: 16794

- 13a. 2003.1048CTZV (K. McGEE: (415) 558-6367)
A ZONING MAP CHANGE TO ESTABLISH THE THIRD STREET AND OAKDALE AVENUE AFFORDABLE HOUSING SPECIAL USE DISTRICT - Consideration of an **Ordinance to amend Section Map 10 of the Zoning Map** of the City and County of San Francisco to rezone the property described as Assessor's Block 5322, Lot 45, southwest corner of Oakdale Avenue and Third Street, from NC-3 (Moderate-Scale Neighborhood Commercial District) with a 40-X height and bulk designation to establish the Third Street and Oakdale Avenue Affordable Housing Special Use District with a 50-X height and bulk designation.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Serine Zandich**

- She is here to provide an update on the development.
- This has been a community process for about 18 months.
- This project will provide affordable housing, which is a major issue in the area.
- This project is considered a tax project for the Redevelopment Agency.
- She is pleased to present this project to the Commission.

(+) **Dan Dodt**

- He lives in the Bay View District.
- He shares the comments made by the previous speaker and is in full support of the project.
- This project will be respectful of the neighborhood. The relaxing of the parking requirements are good precedents for a project in a transit corridor.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

RESOLUTION: 16795

- 13b. 2003.1048CTZV (K. McGEE: (415) 558-6367)
A ZONING TEXT CHANGE TO ESTABLISH THE THIRD STREET AND OAKDALE AVENUE AFFORDABLE HOUSING SPECIAL USE DISTRICT - Consideration of an Ordinance to amend the San Francisco Planning Code by adding Section 249.27 to create the Third Street and Oakdale Avenue Affordable Housing Special Use District for the property described as Assessor's Block 5322, Lot 45, southwest corner of Oakdale Avenue and Third Street. The establishment of the Third Street and Oakdale Avenue Affordable Housing Special Use District permits the construction of 15 affordable housing units, under a density bonus, and allows for the provision of 4 parking spaces where 15 are required, with Conditional Use Authorization. The site is in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as those listed for item 13a.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

RESOLUTION: 16796

- 13c. 2003.1048CTZV (K. McGEE: (415) 558-6367)
4800 THIRD STREET - southwest corner at Third Street; Lot 45 in Assessor's Block 5322 - **Request for conditional use authorization** under Section 303 of the Planning Code to allow for the construction of a mixed-use development consisting of 15 dwelling units, and approximately 3,000 square feet of commercial/retail space at the ground level and to provide 4 parking spaces, in an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, and in the proposed Third Street and Oakdale Avenue Affordable Housing Special Use District and 50-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as those listed for item 13a.

ACTION: Approved with conditions that include and address affordability and subordination. (These concerns are included as conditions 19 and 20 in the Conditions of Approval.)

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16797

- 13d. 2003.1048CTZV (K. McGEE: (415) 558-6367)
4800 THIRD STREET - southwest corner at Third Street; Lot 45 in Assessor's Block 5322
 - **Request for a Rear Yard Variance** under Section 134 of the Planning Code, to allow for the construction of a mixed-use development consisting of 15 dwelling units, and approximately 3,000 square feet of commercial/retail space at the ground level with a rear yard equal to only 21% of the lot area, in an area which requires 25% of lot area under Planning Code Section 134(e), in an NC-3 (Moderate-Scale Neighborhood Commercial) District and in the proposed Third Street and Oakdale Avenue Affordable Housing Special Use District.

SPEAKER(S): Same as those listed for item 13a.

ACTION: Zoning Administrator closed the public hearing and will be granting the rear yard variance based on the conditions imposed on the project about affordability and subordination.

- 14a. 2003.1051RZ (R. CRAWFORD: (415) 558-6358)
DE LONG STREET/ HEAD STREET/ SANTA CRUZ AVENUE/ SAN DIEGO AVENUE, HABITAT FOR HUMANITIES - Assessor's Block 7153 Lots 008, 008A, 009, 010, 011, 012, 013, 014, Assessor's Block 7154 Lot 023, Assessor's Block 7174 Lots 004, 007, 008, 009, 025, 026, 027, 028, 029, 030, 031, 047, and 048. **Request for an Amendment to the Zoning Map** to change the zoning classification from P, Public Use to RH-1, Residential House, One Family for various parcels of excess BART property. This Project is located within a P, Public Use, District and within the 40-X Height and Bulk District.
 Preliminary Recommendation: Approval

SPEAKER(S):

(+) John Slessinger – Project Architect

- The public assistance is for the land acquisition only.
- There are three homes that will be fully accessible for handicapped
- There are some rear yard properties at the BART right-of-way.
- This project is very close to the BART station.

(-) Gabriel Marien

- She is a resident of Shakespeare Street.
- She grew up in this area and has always used this as public open space.
- This is an underserved community.
- Most of the community is working class, single families.
- This project would take a lot of the public open space.
- These lots are not ideal for single-family units.

(-) Morgan Raul

- She lives on Shakespeare Street.
- This will increase the population density in a community that is very under served.
- There is a need for everyone who lives around here to use his or her cars.
- The signs that were posted about this project have been disappearing. She feels that is the reason why there are not more people here.

(-) Steena Marigold

- The space has been used for children to play.
- Taking all those spaces away and crowding the neighborhood will not make it nicer in any way.

(-) Chelsea Starfield

- She lives on Shakespeare Street.
- Every day when she comes home there are a lot of children that play in the lots.
- The community really needs a lot of help.

- Building more houses should not be the focus.
- A playground should be built instead.
- (-) Jeff Chin
 - He lives on Shakespeare Street.
 - There is a blind curb in the area. The San Andreas Fault runs directly underneath there. If there was a derailment caused by an earthquake there would be a lot of damage.
 - There are carcinogen fumes that come from Highway 280.

ACTION: Approved
 AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee
 NAYES: S. Lee
 RESOLUTION: 16798

- 14b. 2003.1051RZ (R. CRAWFORD: (415) 558-6358)
DE LONG STREET/ HEAD STREET/ SANTA CRUZ AVENUE/ SAN DIEGO AVENUE,
HABITAT FOR HUMANITIES - Assessor's Block 7153 Lots 008, 008A, 009, 010, 011, 012, 013, 014, Assessor's Block 7154 Lot 023, Assessor's Block 7174 Lots 004, 007, 008, 009, 025, 026, 027, 028, 029, 030, 031, 047, and 048. **Referral for General Plan Consistency** for publicly assisted private housing for various parcels of excess BART property. This Project is located within a P, Public Use, District and within the 40-X Height and Bulk District.
 Preliminary Recommendation: Find that public assistance for the Project is consistent with the General Plan

SPEAKER(S): Same as those listed for item 14a.
 ACTION: Found to be consistent with the General Plan
 AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee
 NAYES: S. Lee
 MOTION: 16799

15. 2003.0304E (J. NAVARRETE: (415) 558-5975)
829 FOLSOM STREET – South side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752. **Appeal of Preliminary Negative Declaration**
 The proposed project is new construction of 69 residential units in a nine-story, 85-foot tall, approximately 92,900 gross square-foot building covering a 10,313 square-foot site. A public parking lot currently occupies the project site, which would be demolished. Up to 62 parking spaces would be located in a basement-parking garage with parking entrances/exits on Shipley Street. There would be up to 5,000 sq. ft. of ground floor retail space on Folsom Street. Pedestrian access would be on Shipley and Folsom Streets. The proposed project requires Conditional Use authorization, a rear yard modification and a variance from dwelling unit exposure requirements. The site is within a South of Market Residential/Service District (RSD) and a 40-X/85-B Height and Bulk District.
 Preliminary Recommendation: Uphold the Preliminary Negative Declaration
 (Continued from Regular Meeting of May 13, 2004)

SPEAKER(S):
 (-) Ed Tansen – Appellant – Yerba Buena Lofts Homeowners Association
 - He is the developer of Yerba Buena Lofts.
 - They have two objections to the Negative Declaration: 1) a two story underground garage cannot be justified at this location because it is too risky for his building; and 2) if excavation is done near the steel piles of his building, there is no way to support them properly.
 - No one is going to take that risk at any price.

- Building more houses should not be the focus.
- A playground should be built instead.

(-) Jeff Chin

- He lives on Shakespeare Street.
- There is a blind curb in the area. The San Andreas Fault runs directly underneath there. If there was a derailment caused by an earthquake there would be a lot of damage.
- There are carcinogen fumes that come from Highway 280.

ACTION: Approved
 AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee
 NAYES: S. Lee
 RESOLUTION: 16798

- 14b. 2003.1051RZ (R. CRAWFORD: (415) 558-6358)
DE LONG STREET/ HEAD STREET/ SANTA CRUZ AVENUE/ SAN DIEGO AVENUE, HABITAT FOR HUMANITIES - Assessor's Block 7153 Lots 008, 008A, 009, 010, 011, 012, 013, 014, Assessor's Block 7154 Lot 023, Assessor's Block 7174 Lots 004, 007, 008, 009, 025, 026, 027, 028, 029, 030, 031, 047, and 048. **Referral for General Plan Consistency** for publicly assisted private housing for various parcels of excess BART property. This Project is located within a P, Public Use, District and within the 40-X Height and Bulk District.
 Preliminary Recommendation: Find that public assistance for the Project is consistent with the General Plan

SPEAKER(S): Same as those listed for item 14a.
 ACTION: Found to be consistent with the General Plan
 AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee
 NAYES: S. Lee
 MOTION: 16799

15. 2003.0304E (J. NAVARRETE: (415) 558-5975)
829 FOLSOM STREET – South side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752. **Appeal of Preliminary Negative Declaration**
 The proposed project is new construction of 69 residential units in a nine-story, 85-foot tall, approximately 92,900 gross square-foot building covering a 10,313 square-foot site. A public parking lot currently occupies the project site, which would be demolished. Up to 62 parking spaces would be located in a basement-parking garage with parking entrances/exits on Shipley Street. There would be up to 5,000 sq. ft. of ground floor retail space on Folsom Street. Pedestrian access would be on Shipley and Folsom Streets. The proposed project requires Conditional Use authorization, a rear yard modification and a variance from dwelling unit exposure requirements. The site is within a South of Market Residential/Service District (RSD) and a 40-X/85-B Height and Bulk District.
 Preliminary Recommendation: Uphold the Preliminary Negative Declaration
 (Continued from Regular Meeting of May 13, 2004)

SPEAKER(S):

(-) Ed Tansen – Appellant – Yerba Buena Lofts Homeowners Association

- He is the developer of Yerba Buena Lofts.
- They have two objections to the Negative Declaration: 1) a two story underground garage cannot be justified at this location because it is too risky for his building; and 2) if excavation is done near the steel piles of his building, there is no way to support them properly.
- No one is going to take that risk at any price.

- If the number of units are cut, there would not be a need for a two story garage.
- This project needs to comply with the California Building Code. His property determined the property line first.
- If there is an earthquake, the two buildings would bang on each other.
- The environmental group is strictly concerned with the San Francisco Building Code but both codes apply.

(+) Steve Atkinson – Steefel, Levitt and Weiss

- As the staff report notes, the issues of the negative appeal are not environmental issues under CEQA.
- Regarding traffic or shadows, the appellant has not issued information on significant impacts.
- The only reason for this appeal is to delay the project.
- If the Commission follows the recommendation and upholds the negative declaration, then the major issue like the setbacks can be addressed.
- He believes that through the submittals from the project sponsor, the public and this presentation, the Commission will have all the information it needs to make a decision on this project.

(-) Roger Hall – Clara Street Town Homes Homeowners Association

- He urged the Commission to follow the policies, which apply to setbacks, etc.
- People take pride in their yards.
- The area will be very concentrated and an eye sore to the area.

(-) Brian Fujikawa – Yerba Buena Lofts

- He lives on Folsom Street.
- He is concerned with the large excavation.
- The developers have not responded to the reports submitted regarding engineering and geology.
- There are a lot of questions that still need to be answered.

ACTION: Negative Declaration Upheld
 AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 AYES: 16800

- 16a. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 - **Request for Conditional Use authorization** under Planning Code Sections 207.5, 263.11, 271, and 157 to construct a nine-story, mixed-use building with up to 69 dwelling units at a density of one unit per 147 square feet of lot area under Section 207.5, to construct an 85-foot-tall building (with a 16-foot-tall mechanical penthouse) in the 40-X/85-B Height and Bulk District under Section 263.11, to exceed the bulk limits at the 50-foot height by 60 feet in length and 54 feet diagonally (by 48 feet in length and 42 feet diagonally at the 65-foot height) under Section 271; and to provide parking exceeding accessory amounts (with up to 62 spaces for project residents) under Section 157. On the ground floor, garage access would be provided at Shipley Street, and up to 5,000 gross square feet of retail space would be provided with access from Folsom Street. The proposed project would also require a rear yard modification and a variance from dwelling unit exposure requirements. The site is within an RSD (Residential/Service) South of Market Mixed-Use District, and a 40-X/85-B Height and Bulk District.
 Preliminary Recommendation: Approval with modifications and conditions
 (Continued from Regular Meeting of May 13, 2004)

SPEAKER(S):

(+) Steve Atkinson

- The project is on a narrow and deep vacant lot.

- He displayed an aerial photo from Shipley Street.
- The project provides needed housing.
- The project also provides retail space on the street level.
- The setbacks should not be required because they confer little public benefit.
- The suggestion of a setback is based on the setbacks on adjacent buildings.
- If setbacks were designed, there would be a loss of units.
- He requested that the project be approved.

(-) Roger Hall

- The egress from the parking garage is right across the street from Silvercrest Residence with studio units for seniors.
- All of the traffic on Shipley is a considerable hazard for the seniors.
- He would rather have the egress on Folsom Street instead of Shipley Street.

(+) Jim Salinas – Carpenter's Local Union

- He supports this project because it will provide much needed housing.
- He is also excited about the jobs that will be created.
- This developer has chosen to work with union workers.
- If everyone works together, there will be a more positive future for young working people

(+) Judith Gatewood – Carpenter's Local Union

- This is attractive much needed housing for San Francisco.
- This project will revitalize lower SOMA.
- The project looks well with the adjacent buildings.
- This project will also provide union jobs.

(+) Victor Vittlin

- He and his family own property that they will sell to the project sponsor.
- He is in support of this project.
- He does not understand the objection to this project.
- This is an appropriate development that will provide much needed housing.

(-) Ed Tansev – Yerba Buena Lofts

- He submitted a copy of the lawsuit that has been filed.
- He would like to keep his neighborhood the way it is.
- If this project is approved there should be a revision to the number of units.
- A code conforming project by doing the setbacks is important.

(-) David Gadarian – Yerba Buena Lofts

- He lives on Folsom Street.
- He chose to live here because of the environment. He is not against development.
- His conditions of approval would be: maximize the number of units, maintain and improve the pedestrian traffic, the project should not rise more than 40 feet, provide 20 percent lot depth [for open space], provide no less than 20 percent of the units as family units, the structures should comply with California Building Code by widening the gaps.

(-) Beau Simon – Yerba Buena Lofts

- He lives in the Yerba Buena lofts.
- He loves the amount of light that comes into this unit.
- His developer has designed an alternative project that should be considered and approved.
- This is an incredibly narrow lot.

(-) Gregg Lynn

- He lives in the Yerba Buena Lofts.
- He is concerned about this project.
- Setbacks are what make Shipley a beautiful street.
- He is distraught that there is a project on the drawing board that will destroy the beauty of his neighborhood.

(-) Regina Flanagan – Yerba Buena Lofts

- She is trained to evaluate situations such as this.

- She implores the Commission to provide an alternative that is code compliant.
- There are too many exceptions to the building code.
- Removing the soils, which will interrupt the piles in the adjacent building, could be dangerous.
- The Shipley side of the building is the most adversely affected.

(-) Terry Goggin – Yerba Buena Lofts

- He lives on Folsom Street and has a very small garden that is very close to the project.
- This project will significantly change the nature of the experience of the residents of this street.
- There is nothing that will be achieved by this other than to give more profit to the developer.
- This project is not consistent with the neighborhood.

(-) Robert Meyers – City Planning Consultant

- He read a letter from John Elberling who is opposed to this project.
- He also submitted a letter from Jim Meko and Mr. Garari who are also opposed to the project.

(+) Tim Tosta – Steefel, Levitt and Weiss

- He displayed a map of the lots of Shipley Street.
- The block does not have just low-rise buildings.
- He would be happy to discuss a solution to the issues when it is appropriate.

ACTION: Motion of Intent to approve. Recommendations to staff and project sponsor:
On Shipley side:
1) Require a 5-foot setback to the top of the 6th floor,
2) Setback 7th and 8th floors 15 feet,
3) Setback 9th floor 10 feet,
4) Setback of mechanical penthouse a minimum of 15 feet from face of building on the 9th floor,
5) Provide parking exceeding the accessory amounts up to 62 spaces for residents,
6) Allow the construction of a 9-story building with up to 69 dwelling units,
7) Exceed the bulk limits under section 271 up to 60 feet in length and 54 feet diagonally
Final Language/Action: July 1, 2004
AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee
NAYES: S. Lee

- 16b. 2003.0304CV (J. PURVIS: (415) 558-6354)
829 FOLSOM STREET - south side between 4th and 5th Streets, a through lot to Shipley Street; Lot 091 in Assessor's Block 3752 – **Requests for Variances**. The proposal is to construct a nine-story, mixed-use building with up to 69 dwelling units, up to 5,000 gross square feet of ground floor commercial space and a 62-space parking garage. A rear yard modification is sought under Section 134(e) to provide rear yard open space within an inner court and on a 7th floor setback of 10-15 feet along Shipley Street. A variance is sought from dwelling unit exposure requirements, as the horizontal dimensions of the inner court do not meet the requirements for an open area as defined under Section 140(a)(2) for dwelling unit exposure, and 27 of the 70 units have no exposure other than this inner court. The site is within an RSD (Residential/Service) Mixed-Use District, and a 40-X/85-B Height and Bulk District.
(Continued from Regular Meeting of May 13, 2004)

SPEAKER(S): Same as those listed for item 16a.

ACTION: Zoning Administrator has left the public hearing open and continued the item to July 1, 2004.

17. 2004.0202DD (G. CABEROS: (415) 558-6169)
880 PRESIDIO AVENUE - northeast corner at Post Street; Lot 011A in Assessor's Block 1073 - **Requests for Discretionary Review** of Building Permit Application No. 2003.09.23.5554, proposing to construct a new three-story, three-unit building on a vacant lot in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project.

SPEAKER(S):

(-) Barry Brown – Discretionary Review Requestor

- He displayed diagrams of the project showing the shadow impacts during the seasons of the year.
- The property will cast long shadows onto the large bay windows on the west side of the building.
- The bay window currently allows afternoon sunlight and radiant heat into his primary living area during five critical fall and winter months.
- The proposed project to the west will take that away.

(-) Patrice Motley

- She lives in the other unit of the Discretionary Review requestor.
- It saddens her that they have to be here today.
- From the beginning, they went to the project sponsor to express their concerns.
- There were meetings with the rest of the homeowners association.
- They are trying to peacefully coexist.
- They would like to have the part of the building that has not been built yet pushed back so they can receive some sunlight.

(-) Cristina Wong

- She lives on the opposite side of the building.
- She is not opposed to the construction of the building; she is just concerned about the size of it.
- The light studies that Barry Brown did show how detrimental the project will be.
- She had hoped that everyone could work together.
- A new building will improve the neighborhood.
- She hopes that the architect will consider some of the proposals.
- Her neighborhood association is in agreement with the project.

(+) David Silverman – Representing Project Sponsor

- The height limit in this area is 40 feet but the proposed construction is lower than that.
- The Discretionary Review requestor is worried about direct sunlight.
- The DR requestor's building is as tall or taller than the proposed project.
- There are no exceptional or extraordinary circumstances in this case.
- This project will provide much needed housing, especially family housing.
- It is designed to be consistent with the other buildings on the block.
- There are about ten neighbors that are in support of the project.

ACTION: Did not take Discretionary Review and approved the project

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 18a. 2004.0124DD (M. SMITH: (415) 558-6322)
554 VALLEY STREET - north side between Castro and Diamond Streets, Lot 018 in Assessor's Block 6611, **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2003.06.06.6518, proposing to demolish the existing one-story single-

family dwelling in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

SPEAKER(S):

Supervisor Dufty

- There have been a lot of issues on growth.
- He is concerned about this project because of bulk.
- He is looking for ways to not recreate the anger that has happened before.
- The home is of high quality, but in this neighborhood there is a fear of demolitions and large buildings.
- He is open to see how everyone can work together to have reasonable growth and respect the neighborhood character.

(-) Larry Mivoy

- He is mostly concerned about the demolition and thinks it should be denied.
- Two houses will be built after the demolition. The average price of houses is now \$779,000.
- If the city is going to allow a demolition of affordable houses then the replacement houses should be as affordable.
- The city cannot have all the houses be million dollar homes.
- The Commission should deny the demolition.

(-) Father Nazarin

- He lives on Valley Street next to the proposed house.
- If the purpose of the Commission is to preserve the character of the neighborhood, then they should preserve the house.
- The character has a certain charm. Trying to build a house with the size that is being proposed would destroy the character.

(-) Jackie Garry

- She has lived next door to the proposed house since 1968.
- Her house is very charming. This type of housing is being destroyed all over Noe Valley
- People like me could never afford the house that is being proposed.
- There are about four houses that are being demolished in her neighborhood.

(-) Allan Kessler

- He lives across the street from the proposed project.
- These projects are changing the quality of the neighborhood.
- He is please to see that the Planning Commission requests setbacks, etc.
- He urges the Commission to incorporate into the review process the Residential Design Guidelines.

(+) Bruce Bauman – Representing the Project Sponsor

- There are a number of speakers that are here in support of the project.
- The project sponsor works with the neighbors to carefully sculpture a project that fits with the neighborhood and the Residential Design Guidelines.
- The lot can be subdivided and two units created, thereby increasing housing in the city.
- The house is vacant and it is in deplorable condition.
- The lot is on a very steep street so the houses step up the hill.
- The proposed houses will be on the top of the hill.

(+) Steve Antenaros – Project Architect

- He displayed a rendering of the proposed houses.
- The upper floors are not visible.
- The design guidelines encourage this type of house.
- Houses can be larger.

(+) Raimond Totah

- He has lived near the proposed house since 1956.
- He will be impacted the most.

- The house is unstable. That is why the person that lived there moved out.
- If the two poles that are in the garage were taken out, the house would collapse.
- There are a lot of large houses in the neighborhood.

(+) Brian McGee

- He and his family own the property.
- They have had a business in San Francisco for about 40 years.
- Many people that work for him live in the area.
- Their projects are designed to be compatible with the neighborhood and they do extensive outreach.
- This project has overwhelming support from the immediate neighbors.
- They always try to deal with issues that people might have.
- They also try to minimize the impact of construction as much as possible.
- There are many buildings that are not suitable for today's family needs.
- He hopes that the Commission will support this project.

(+) Tracey McGee

- He and his family have been building homes for about 40 years.
- They have built numerous homes in the City.
- They have a reputation for building quality homes.
- Before doing a project, they speak to the neighbors and do an analysis of the surrounding homes.

(+) Janet McGee

- There has been a large neighborhood outreach--going door-to-door and presenting the project.
- They have spent about 80 hours presenting the project during nights and weekends.
- She displayed a lot map showing the homes that have signed a petition and support of the project.
- They have made every effort to address the issues and concerns of the neighbors.

(+) Monica McGee

- They have the support of the immediate neighbors.
- The Discretionary Review requestor has tried to sell his house to them.
- The Discretionary Review requestor has been very hostile.

(+) Angus McCarthy – Residential Builders Association

- If people were very passionate against this project they would be here tonight.
- It is unfortunate that it's about 90 percent negotiating and 10 percent building.
- This developer has done a good job designing a project following the Residential Design Guidelines, dealing with neighbor's issues, etc.

(+) Charles Breidinger

- The very top story will not be seen from the sidewalk.
- The houses that are being proposed are truly family housing.
- Parents are moving in with their children and children are moving in with their parents.
- There is a demand for this type of house.
- The children are working downtown and can afford to pay the mortgage.
- Families are joining incomes to pay for mortgages.

(+) Kieran Bukley

- He is in support of the project.
- When it comes to family housing, this would be considered the best example of family housing.
- As far as the top floor, it will not be seen from the street.
- The McGee's do top class work.

(+) Grace Shanahan

- There is high quality craftsmanship in all the projects that the McGee's build.
- This project is no exception. It would be an ideal family home.

(+) David O'Keeffe

- He is a small builder in San Francisco.
- They have not been able to solve the issues that the Discretionary Review requestor has.

- If the average family has at least two children, houses need to be larger.
- This project is being well executed.

(+) Sean Keighran

- Neighborhood character and good design comes in all shapes and sizes, especially sale prices.
- The people that are opposed to this project are not interested in neighborhood character, but to stop this project instead.
- It is time that communities [accept] the burden of their responsibility for the much-needed housing in San Francisco.

(+) Jim Keith – Residential Builders Association

- There is no place in the planning code that states a building cannot go higher than the neighbor.
- There is nothing in the residential design guidelines that would require taking the top floor off.
- The DR requestor is mistakenly stating that this project should not be demolished.
- Everyone has testified that the McGee's build quality homes.
- He urged the Commission to move this project as proposed.

(+) Joe O'Donoghue

- This is not a monster home. A four-bedroom home is not a monster home.
- Bigger homes are needed for families.
- There is another new set of values for home needs these days.
- There is no way to see the top floor from the street level.

(-) Tamara Galanter

- She lives on 28th Street.
- She appreciates the developers and has spoken to them about her issues.
- This project is inconsistent with the Residential Design Guidelines which requires that the building be in scale with the adjacent buildings and that it respects the mid block open space.
- She is willing to continue to work with the developers on the issues.
- She requested that the Commission scale down the size of the building.

(+) Mr. Santos – Project Engineer

- The structures that the McGee's build go beyond the requirements of the code [for quality].

ACTION: Hearing Held. Item Continued to June 24, 2004. Public Hearing remains open.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 18b. 2004.0125DD (M. SMITH: (415) 558-6322)
556 VALLEY STREET (aka 554 VALLEY STREET) - north side between Castro and Diamond Streets, Lot 018 in Assessor's Block 6611, **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.06.06.6520, proposing to subdivide the lot into two lots and construct a three-story over garage single-family dwelling on the proposed east lot, in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve with modifications.

SPEAKER(S): Same as those listed for Item 18a.

ACTION: Hearing Held. Item Continued to June 24, 2004. Public Hearing remains open.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

- 18c. 2004.0126DD (M. SMITH: (415) 558-6322)

558 VALLEY STREET (aka 554 VALLEY STREET) - north side between Castro and Diamond Streets, Lot 018 in Assessor's Block 6611. **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.06.06.6522, proposing to subdivide the lot into two lots and construct a three-story over garage single-family dwelling on the proposed west lot, in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

SPEAKER(S): Same as those listed for Item 18a.

ACTION: Hearing Held. Item Continued to June 24, 2004. Public Hearing remains open.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

SPEAKER(S):

Joe O'Donaghue

Re: Demolitions

- Tomorrow a number of his members will be looking at a piece of property in Oakland.
- Already he is thinking of moving out of this city.
- A member of his organization moved to Burlingame because he was able to purchase a larger house down there.
- The reality is in 1986 when demolition was active in the Richmond, there was no family housing being built.
- The cost of doing "defacto" demolitions is more expensive than doing a complete demolition.
- Demolitions are happening less and less.
- It is important to revisit the demolition ordinance.

Charles Bradiger

Re: Requiring ground floor retail when there isn't a market for it.

- He has his office on Howard Street between 7th and 8th. Recently a building was constructed with ground retail that has been vacant for over a year.
- Why is there a requirement for ground floor retail when there is no demand for it. Windows get broken and vandalism is done to these empty space.

Angus McCarthy

Re: A market for larger family houses

- He has already outgrown his house because his family is getting bigger.
- Many families cannot purchase bigger homes because there aren't many.
- It is important to allow certain neighborhoods to allow larger homes.
- If people want to purchase a million dollar home they should be allowed to do it.

Shawn Kegan

Re: Evaluation of having square footage

- The square footage worries him. It does not affect his impact as a pedestrian on the street.
- The commission should not pay too much attention to the square footage of a home if it follows the Residential Design Guidelines.
- A candidate to purchase a home can purchase two houses and merge them or he/she can compete with other people who cannot afford a house and rent.
- The housing market is recyclable.

Jim Keith

Re: Policy on the demolition of residential buildings

- If there is a circumstance when a lot can become a multiple lot and this is not allowed, then this policy is not going to work.
- What people will do is go through the remodeling route and make the houses larger.

Adjournment: 9:30 p.m.

THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, JUNE 10, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Hughes, S. Lee, W. Lee
EXCUSED: None

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, June 3, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT

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COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:34 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Jim Nixon – Acting Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Costolino Hogan; Diane Lim; Yvonne Ko; Glenn Cabrerros; Adam Light; Matt Snyder; Geoffrey Nelson; Kate McGee; Dario Jones; Nora Priego – Transcription Secretary, Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2003.1164D (M. WOODS: (415) 558-6315)
6725 CALIFORNIA STREET - south side between 29th and 30th Avenues, Lot 47 in Assessor's Block 1404 - **Request for Discretionary Review** of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.
NOTE: On January 22, 2004, following public testimony, the Commission closed the public hearing. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.

(Continued from Regular Meeting of April 22, 2004)

(Proposed for Continuance to June 24, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to June 24, 2004
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
 ABSENT: Boyd

2. 2003.1208C (M. SNYDER: (415) 575-6891)
2601 MISSION STREET - southeast corner at 22nd Street, Lot 69 in Assessor's Block 3637 - **Request for Conditional Use authorization** under Planning Code Sections 712.83 and 790.80 to replace nine antennas that are now on the southern and western walls at the roofline with nine antennas that would be located on the middle portions of western, southern, and eastern walls approximately 77-feet above grade. These antennas are part of an existing Wireless Telecommunications Services facility operated by AT&T Wireless. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 50-X / 65-B Height and Bulk District. Pursuant to the WTS Facilities Guidelines, the project is a Preference 2 Location Site, an existing site on which a legal wireless telecommunications facility is currently located.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of April 15, 2004)
NOTE: On April 15, 2004, following public testimony, the Commission closed public hearing and continued the matter to June 3, 2004 in order for Project Sponsor to provide better coverage maps by a vote +5 -0. Commissioners Feldstein and Hughes were absent.
(Proposed for Continuance to July 1, 2004)

SPEAKER(S): None
 ACTION: Without hearing, item continued to July 1, 2004
 AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee
 ABSENT: Boyd

B. COMMISSIONERS' QUESTIONS AND MATTERS

- 3 Consideration of Adoption – Draft Minutes of May 6, 2004.

SPEAKER(S): None
 ACTION: Approved
 AYES: Antonini, Boyd, Hughes, W. Lee
 EXCUSED: Bradford Bell and Sue Lee

4. Commission Comments/Questions

Commissioner Sue Lee:

Re: Eastern Neighborhoods

- It was reported to them that money is being released for staff to begin the EIR.
- She would like to receive periodic updates on the status of the EIR effort and receive a work plan and a timetable.
- The Commission needs to be informed.
- When the policies were adopted in February, the maps were not that legible. It would be helpful to her to have a large format map of the zoning so that she knows what parcels and what blocks are being referenced. The large format would be at least 11 x 17 and in color.
- She would like to see a list of projects that are pending since the policies were adopted.

Re: Status of Budget

- She hopes that the Acting Director will speak on this.
- Also, she would like to see the status of the search for the new Planning Director since we allocated moneys in the budget for this purpose.

Commissioner Antonini:

Re: Eastern Neighborhoods

- He that staff do exit interviews with PDR firms that have left San Francisco.
- He has a list if staff needs the information.

C. DIRECTOR'S REPORT

5. Director's Announcements

Re: Budget

- The budget was released officially by the Mayor.
- It is a mixed budget for the Planning Department. It calls for new money to finish environmental reviews that have been lagging.
- It calls for \$300,000 for computer operations/equipment.
- It adds five positions to the Planning Department (two new Environmental, two Citywide Planners, and one graphic artist).
- It gives money to hire consultants to do another Better Neighborhoods Program.
- The Mayor requested a 20% cut in support/administrative staff in order to put money into direct services positions opposed to administrative support. As a result, seven positions have been lost.
- It was one of the hardest things he has had to do as Acting Planning Director.
- Money will be contributed to the support of the City Attorney.
- It calls for about a 14% increase in revenues.
- Regarding the money that was allocated for the Director's search, this was eliminated from the budget.

Commissioner Sue Lee:

- She realizes that Planning is being more appreciated yet there is a lack of understanding that the department needs to be lead.
- She is concerned that there are various projects pending right now for Planning; the Commission is short one member; etc.
- She does not think that support will come from the Mayor's office.
- She is very interested in the Commission participating in the process of hiring a new director as per the Charter.
- She does not know how a search process will begin and not have any funds for it.

Commissioner Bradford Bell:

- It is extremely difficult for the department to face layoffs.
- The choices are to do what is needed to save a few jobs or save the City. This is a tough job.
- The situation is actually positive even after the layoffs.
- The Director comes back July 1 and at that time, we will schedule a closed meeting to talk to him. Hopefully, this will happen with what is happening at the Mayor's office.

Commissioner Antonini:

- There is a search underway via the Mayor's office for a Director, but are the funds coming from there rather than from the Planning Department?
- He does not believe that \$50,000 is needed for this procedure.
- The openness of the process is more important than the money.

Commissioner Bradford Bell:

- On May 13, the Commission talked about putting a committee of three together to address this. Is this something that she can initiate? This might answer Commissioner Antonini's question.

Deputy City Attorney, Susan Cleveland-Knowles responded:

- The issue of putting the committee together can be scheduled.

Commissioner Boyd:

- It is very important to find a leader for the Planning Department.
- The final choice will be made by the Mayor's office after the Commission chooses candidates.
- The Commission needs to be very cooperative and very firm.
- Everyone wants to see the needs of the public related to land use get solved

Acting Director Badiner reported on another matter

- He met with the senior managers of Citywide and is requesting information on finding a procedure to process the plans. What would the timelines be? What would be the deliverables, etc.?
- When this information comes in there will be frequent updates to the work plan.

SPEAKER(S):**Joe O'Donaghue – Residential Builders***Re: Processing Permits*

- He gets enraged that no one is speaking about processing permits.
- It takes about 6 to 10 weeks before a project is assigned to a planner.
- The Mayor and the Board of Supervisors did not give the current Director his due process.
- There will be a lawsuit filed to block any transfer of funds from the Board of Building Inspection.
- The Planning Department needs to come with a plan and decide where the money is going to go.
- Non one has said that the Planning Director is not getting any pay. Yet people who have gone on the same program received a salary. So where is the money that he left?

Commissioner William Lee:*Re: San Francisco Stat*

- He suggested that the Planning Department participate in this system.

Acting Director Badiner Responded:

The Planning Department comes on line for participation in this system next month.

6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS – None

BOA – None

D. REGULAR CALENDAR

7. PLANNING CODE FEE AMENDMENT ARTICLE 3.5, ADMINISTRATIVE CODE SECTION 31.21. **Consideration of Resolution of Intent to initiate** an amendment to Article 3.5 of the Planning Code and Section 31.21 of the Administrative Code. The purpose of this hearing is to set a future date to hold a public hearing to consider an adjustment and increase in various application fees consistent with the Department's 2004/2005 Fiscal Year Work Program.
Preliminary Recommendation: Approve initiation

(L. BADINER/D. LIM: (415) 558-6411/558-6547)

SPEAKER(S):**Mary Burns – President of the Greater West Portal Neighborhood Association**

- Voting no on raising specific fees for applications for residential character.
- A six-fold increase in the application fee is highly inappropriate and will affect various neighborhoods negatively.

Steve Vettel

- The fee increases proposed is about 316 percent over existing fees.
- The fees that are being proposed for moderate size projects is enormous.
- He does not know where the money is going, the problem is not fees. The problem is that there are not enough employees to fill positions.
- What is being proposed is not even close to reality.
- He requests that these numbers be looked again before next week.

Joe O'Donoghue

- He echoes the previous speakers comments.
- If the document presented came from a CPA it would make no sense.
- Are the planners really functioning at their best level?
- A General Motors type of accounting system should be taken into consideration.
- Staff needs to assure the public that the fees they are paying are well managed.

ACTION: Hearing Held. Public Comment Remains Open.
Item continued to June 17, 2004.

AYES: Antonini, Boyd, Bradford Bell, Hughes, S. Lee, W. Lee

- 8a. 2004.0090EKCV (G. CABREROS: (415) 558-6169)
2655 VAN NESS AVENUE - southwest corner of Van Ness Avenue and Greenwich Street, Lot 001 in Assessor's Block 0522 - **Request for Conditional Use Authorization** under Planning Code Sections 253 and 271 to allow a building to exceed 40 feet in height in the 65-A Height Bulk District and to exceed the prescribed bulk limit. Above a height of 40 feet, the A Bulk District allows a maximum building length of 100 feet and a maximum diagonal dimension of 125 feet. The proposal is to demolish the existing three-story commercial building (formerly a television station and most recently a tennis club) and to construct a new six-story, mixed-use building up to 65 feet in height and with a maximum length of 128 feet and a maximum diagonal measurement of 146 feet above a height of 40 feet. The new building proposes up to 29 dwelling units, 43 parking spaces in a below-grade garage, and approximately 4,700 square feet of commercial space at street level. A concurrent hearing before the Zoning Administrator will be held for a Variance request. The subject property is within an RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of April 22, 2004)

SPEAKER(S):**(+) Bruce Baumann**

- This proposal is to demolish the building and replace it with a multistory building.
- There will be two two-bedroom units and one one-bedroom unit that will be below market rate.
- There is a need for family housing so the average size of the units will be very good elements for family housing.
- They have eliminated a driveway so there will only be one curb cut.
- The building will be completely separate on both sides.
- This will be a highly articulated façade.
- There will be a pedestrian based element in order to enhance pedestrian use/environment on the street.
- The adjacent property has a skylight and windows and the proposed project will have setbacks to respect them.

(+) Werner Schmaltz – Project Architect

- He displayed a floor map and explained the general aspects of the project.

(+) Liz Naughton – Project Sponsor

- In August of 2003, they sent letters to all the property owners near the project.
- They met with concerned neighbors and addressed their concerns.

- They also sent information to various community groups. She has not heard of any comments from these organizations.

(+) **Joe O'Donaghue**

- He supports the project. It is very well designed.

(-) **Linda Cummins**

- She lives near the proposed building.

- Her home will be dwarfed considerably.

- She disagrees with what has been said regarding the design.

- The parking situation is very difficult in this area.

- She is concerned about the loss of sunlight that will affect her home.

- She understands that the City has to grow, but she does not know how affordable these units will be.

ACTION: Approved as Amended: In the Conditions of Approval, delete item 2. Item 9, on the Affordable Housing, the below market rate units are two, 2 bedroom; one, 3 bedroom and shall be located one on the second floor, one on the third floor and one on the fourth floor. Regarding parking, language should state: "with up to 43 parking spaces and up to 29 dwelling units".

AYES: Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

EXCUSED: Antonini

MOTION: 16802

- 8b. 2004.0090EKCV (G. CABREROS: (415) 558-6169)
2655 VAN NESS AVENUE - southwest corner of Van Ness Avenue and Greenwich Street, Lot 001 in Assessor's Block 0522 - **Request for Rear Yard and Dwelling Unit Exposure Variances** under Sections 134 and 140 of the Planning Code. The proposal is to demolish the existing three-story commercial building and to construct a new six-story, mixed-use building up to 65 feet in height with up to 29 dwelling units, 43 parking spaces in a below-grade garage, and approximately 4,700 square feet of commercial space at street level. The proposed building measures 122 feet long and 70 feet deep, a rear yard Variance is requested. A five-foot rear yard is proposed along the western portion of the lot where an 18.75-foot rear yard is required. A Variance from the exposure requirements is also requested. Eight units along the west side of the proposed building would not meet the dwelling unit exposure requirement, which requires all dwelling units to face onto either a street or Code-complying rear yard. The subject property is located in an RC-3 (Residential-Commercial Combined, Medium Density) District and a 65-A Height and Bulk District.
 (Continued from Regular Meeting of April 22, 2004)

SPEAKER(S): Same as those listed for Item 8a.

ACTION: Zoning Administrator Closed the Public Hearing and Granted the Variances.

- 9a. 2003.0587EHXLUV: (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET, north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets, as the lot and structure are L-shaped)), Lot 005, in Assessor's Block 0341 - **Request for adoption of California Environmental Quality Act (CEQA) findings and a Mitigated Negative Declaration** related to a proposal to seismically upgrade the subject seven-story office building (The Garfield Building), rehabilitate the historic building façades, construct a one-story vertical penthouse addition that would be set back from both the Market Street and Mason Street facades, and convert the existing office use to approximately 33 dwelling units for the subject property, which is in the C-3-G (Downtown, General) Zoning District, the Kearny-Market-Mason-Sutter Conservation District, and a 110-X Height and Bulk District.

Preliminary Recommendation: Adoption of the CEQA findings and the Mitigated Negative Declaration

(Continued from Regular Meeting of May 13, 2004)

SPEAKER(S):

(+) **Charles Bloszies – Project Architect**

- He gave a general description of the project as well as it's historical merit.

(+) **Mary Murphy**

- They are here to seek support from the Commission to obtain a Mills Act authorization.

- There are increased costs of various aspects and the Mills Act would help with these costs.

- There is change in the language that she suggested: take out the language from Page 3, Attachment D that stats: ...“as it exists on May 5, 2004”. This was recommended language from the Landmarks Board. The deleted language should be replaced with: “the rehabilitated Garfield Building (including the proposed penthouse addition if constructed).” The reason for this change is because they would like the Board of Supervisors to have broadest degree of discretion when authorizing the Mills Act contracts.

ACTION: Adopted CEQA findings and a Mitigated Negative Declaration

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16803

- 9b. 2003.0587EHXLUV: (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET, north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets, as the lot and structure are L-shaped)), Lot 005, in Assessor's Block 0341 - **Request for a Permit to Alter under Article 11** for a substantial increase in height as well as the creation of a light well on a Category I Building, The Garfield Building, for the subject property, which is in the C-3-G (Downtown, General) Zoning District, the Kearny-Market-Mason-Sutter Conservation District, and a 110-X Height and Bulk District.

The proposal is to:

- 1) Seismically upgrade the subject seven-story office building (The Garfield Building);
- 2) Rehabilitate the historic building façades;
- 3) Construct a one-story vertical penthouse addition that would be set back from both the Market Street and Mason Street facades, and create a light well along the eastern property line;
- 4) Convert the existing office use to approximately 33 dwelling units;
- 5) The Project will not provide parking as required by the Planning Code, nor will thirteen of the units meet the technical Planning Code requirements for dwelling unit exposure, and only three of the 33 units will have private open space. No common space will be provided on the project site, which is completely occupied by existing building. Given these factors, variances would need to be granted for parking, dwelling unit exposure, and residential open space requirements.
- 6) The proposed project would provide its required Below Market Rate (BMR) units on site as well as the off-site BMR units required for a proposed companion project located at 690 Market Street (2003.0584MTZXCKLU).
- 7) The project sponsors are seeking to avail themselves of the Mills Act, which allows local governments to grant property tax relief benefits in exchange for the guaranteed preservation of a historic property. In order to qualify under the San Francisco Administrative Code, the property must either be designated as a San Francisco Landmark or listed separately on the National Register. As neither condition is the case with the subject property, the project sponsor is seeking conditional San Francisco landmark status. The proposed Landmark Designation would become final

upon the completion of the proposed project consistent with the Rehabilitation Program set forth by the proposed Mills Act contract.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of May 13, 2004)

SPEAKER(S): Same as those listed for item 9a.
 ACTION: Approved the Request to Alter Under Article 11
 AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 MOTION: 16804

- 9c. 2003.0587EHXLUV: (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET, north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets, as the lot and structure are L-shaped)), Lot 005, in Assessor's Block 0341 - **Request for a Determination of Compliance under Section 309** of the Planning Code to permit an one-story vertical addition, historic façade rehabilitation, and conversion of existing office space to approximately 33 residential dwelling units, with an exception to the Planning Code rear yard requirements for the subject property, which is in the C-3-G (Downtown, General) Zoning District, the Kearny-Market-Mason-Sutter Conservation District, and a 110-X Height and Bulk District. The Zoning Administrator will hear the variance application concurrently with the Planning Commission (See Item "b" above for detailed project description.)
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of May 13, 2004)

SPEAKER(S): Same as those listed for item 9a.
 ACTION: Approved
 AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
 MOTION: 16805

- 9d. 2003.0587EHXLUV: (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET, north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets, as the lot and structure are L-shaped)), Lot 005, in Assessor's Block 0341 - **Request for recommendation to the Board of Supervisors for conditional landmark designation of the subject property as San Francisco Landmark No. 244**, which is in the C-3-G (Downtown, General) Zoning District, the Kearny-Market-Mason-Sutter Conservation District, and a 110-X Height and Bulk District.
 (See Item "b" above for detailed project description.)
 Preliminary Recommendation: Recommendation to the Board of Supervisors for the Approval of Landmark Designation
 (Continued from Regular Meeting of May 13, 2004)

SPEAKER(S): Same as those listed for item 9a.
 ACTION: Approved as Amended: On Page 3 of Attachment D, the paragraph after item 14 should read: **THEREFORE BE IT RESOLVED**, that the Planning Commission does hereby concur with the findings and recommendation of the Landmarks Board and **APPROVES** the **conditional landmark designation** of the rehabilitated Garfield Building at 938 Market Street, in Assessor's Block 314, Lot 5, as it existed on May 5, 2004, including the proposed penthouse addition if constructed, as Landmark No. 244...

Add Finding No. 15 which should read: The Planning Commission, after hearing public comment hereby determines that the proposed penthouse addition once constructed would have historic merit under Planning Code Section 1004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
RESOLUTION: 16806

- 9e. 2003.0587EHXLUV: (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET, north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets, as the lot and structure are L-shaped)), Lot 005, in Assessor's Block 0341 - **Request for a recommendation to the Board of Supervisors for conditional approval of a conditional Mills Act Contract** for the subject property, which is in the C-3-G (Downtown, General) Zoning District, the Kearny-Market-Mason-Sutter Conservation District, and a 110-X Height and Bulk District.
(See Item "b" above for detailed project description.)
Preliminary Recommendation: Recommendation to the Board of Supervisors for the Approval of Mills Act Contract
(Continued from Regular Meeting of May 13, 2004)

SPEAKER(S): Same as those listed for item 9a.
ACTION: Approved
AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
RESOLUTION: 16807

- 9f. 2003.0587EHXLUV: (A. LIGHT: (415) 558-6254)
938-942 MARKET STREET, north side between Mason and Cyril Magnin Streets (also fronting on the east side of Mason Street between Market and Eddy Streets, as the lot and structure are L-shaped)), Lot 005, in Assessor's Block 0341 - **Request for the granting of residential open space, dwelling unit exposure, and parking variances** for the subject property, which is in the C-3-G (Downtown, General) Zoning District, the Kearny-Market-Mason-Sutter Conservation District, and a 110-X Height and Bulk District. The Zoning Administrator will consider these variance requests concurrently with the Planning Commission's consideration of the above items.
(See Item "b" above for detailed project description.)
(Continued from Regular Meeting of May 13, 2004)

SPEAKER(S): Same as those listed for item 9a.
ACTION: Zoning Administrator closed public comment and granted the requested variances.

10. 2003.1267D (M. SNYDER: (415) 575-6891)
952 DeHARO STREET - west side between Southern Heights Avenue and 22nd Street, Lot 27 in Assessor's Block 4095 - **Request for Discretionary Review** of Building Permit Application No. 2003.05.29.5746 proposing to construct a new three story dwelling at the front of a lot where a single-family dwelling exists at the rear of the lot. The property is within an RH-2 (House, Two-family) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project as modified.
(Continued from Regular Meeting of April 22, 2004)

SPEAKER(S):
(-) **Nick Russo – Discretionary Review Requestor**
- This is the third time that he has had to deal with this issue.
- In 1988, a permit was taken out to do the same thing. He filed a Discretionary Review at that time. He received a notice to come to City Hall and his request was upheld and the project did not go further.
- In 1999, another permit was taken out. These plans were rejected.
- The building that exists is not a small cottage. It is a two story building that totals 2,000 square feet.

(-) Dick Millet – Potrero Boosters

- He is an architect and has been involved in various projects in Potrero Hill.
- This project is a way of extending out an older building.
- The project will be affecting two neighbors.
- The project sponsor will get a lot more money if he does not disturb the neighbors.
- Bay windows should not be allowed either.

(+) Reza Hershemizian – Representing Project Sponsor

- This project will not affect the neighbors.
- If the project had been built by today's code, the project would be a lot larger--especially towards the back.
- He spoke to the neighbors at one of the meetings.
- The length of the building is 33 feet. If he takes off the top floor, it will not be worth doing.

ACTION: Took Discretionary Review and approved with modifications: remove the top floor of the proposed house, in part, to mitigate the effect the new dwelling unit would have on the DR Requestor's building. The Commission finds that this modification is appropriate given the context of the subject block.

The project entails adding an additional unit in an RH-2 District thereby better utilizing the previously underutilized lot.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

11. 2003.1285D (T. TAM: (415) 558-6325)

3340 BAKER STREET - east side between North Point and Bay Streets, Lot 25 in Assessor's Block 0923 - **Request for Discretionary Review** for Building Permit Application No. 2003.08.04.1168s, proposing to construct a new three-story rear horizontal extension with a new roof deck on top to an existing three-story, single-family dwelling. The property is located in the RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of April 8, 2004)

SPEAKER(S):

Re: Continuance

Robert Wong

- He would like to have this case continued to July 15, 2004.

Deby Sito

- She has a group of concerned property owners who have submitted letters with their concerns.
- She supports the continuance.

Joan Girardot

- She supports the continuance.
- She submitted letters regarding the project.

ACTION: Without hearing, item continued to July 17 15*, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

*July 17 is a Saturday. July 15 would be the correct hearing date.

12. 2004.0163D (G. NELSON: (415) 558-6257)

2244 STEINER STREET - east side between Clay and Sacramento Streets; Lot 025 in Assessor's Block 0630 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of Dwelling Unit Mergers, of Building Permit Application No. 2004.01.12.3872, proposing to convert a three-family dwelling to a single-

family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the application as submitted.

(Continued from Regular Meeting of May 13, 2004)

SPEAKER(S):

(+) David Silverman – Representing project Sponsor

- The property is a significantly historical Victorian.
- The prior owner illegally added two units before WWII
- The property has been occupied as a single-family dwelling for the last 20 years.
- One of the units is just too small to be considered a habitable dwelling unit.
- No habitants will be displaced.
- The project will be in conformity with the City
- The house will continue to be owner occupied.
- The project will be more in conformity with the Residential Design Guidelines.

ACTION: Did not take Discretionary Review and approved the merger

AYES: Antonini, Bradford Bell, Hughes, S. Lee, W. Lee

NAYES: Boyd

13a. 2003.0746D (G. NELSON (415) 558-6257)

1234 19th AVENUE – east side between Lincoln Way and Irving Street; Lot 038 in Assessor's Block 1732 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of housing demolition, of Demolition Permit Application No. 2002.06.10.8643, proposing to demolish a two-story single-family dwelling in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition.

(Continued from Regular Meeting of April 15, 2004)

SPEAKER(S):

(+) Joel Yodowitz

- Regarding the penthouse, they are willing to withdraw it so that there is no problem with the neighbors.
- Staff did mention to him that the penthouse might require notification so he takes full blame for that.
- The project would demolish a significantly damaged by fire single family home.
- Taller buildings surround the existing residence.
- Regarding the design, he is willing to continue working with staff on it.
- Many of the properties on 19th Avenue go up to the property line. That is his intent on this project.

(-) Eileen Boken – SPEAK

- She is opposed to the demolition of the project.
- She would rather see a remodel or to have the property be purchased by a government agency or non-profit.
- There is a pattern of non-maintenance on this property.
- She does not know why the project was not rented during the 18 months that it was vacant.
- The repair costs are mostly deferred maintenance.
- She is also opposed to the new construction.

MOTION: To not take Discretionary Review and approve the demolition

AYES: Antonini and Hughes

NAYES: Bradford Bell, Boyd, S. Lee, W. Lee

RESULT: Motion Failed

ACTION: Took Discretionary Review and disapproved the demolition

AYES: Bradford Bell, Boyd, S. Lee, W. Lee

NAYES: Antonini and Hughes

- 13b. 2003.0091D (G. NELSON (415) 558-6257)
 1234 19th AVENUE – east side between Lincoln Way and Irving Street; Lot 038 in Assessor's Block 1732 – **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of new residential buildings in association with residential demolition, of Building Permit Application No. 2002.06.10.8646, proposing to construct a four-story, three-family residential structure with three off-street parking spaces in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the application with modifications.
 (Continued from Regular Meeting of April 15, 2004)

SPEAKER(S): Same as those listed for item 13a.

ACTION: Took Discretionary Review and Disapproved with modifications:

1. a set back on the fourth floor of 15 foot;
 2. 9'-0" floor-to floor height to reduce the overall height of the building;
 3. Vinyl clad wood or solid wood double-hung windows with a profile set back approx. 3" from the building face;
 4. a stair top roof penthouse will not be allowed; and
 5. the garage door shall be set back 2' from the building face;
- The applicant shall make these modifications and work with staff to further improve the design. to the proposed replacement structure if an appeal is successful and the project is approved.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

14. 2003.0841C (G. NELSON: (415) 558-6257)
 1950-1960 GREEN STREET - north side between Buchanan and Laguna Streets; Lot 040 in Assessor's Block 0542 - **Request for Conditional Use Authorization** pursuant to Sections 178(c) and 303 of the Planning Code to allow the enlargement of two dwelling units (which are considered to be a conditional use due to the 6,100 square foot lot size) within an 11-unit residential building. The proposal is also to raise the building approximately four feet to create a new below-grade parking garage for 11 vehicles, and to expand the building toward the rear at the first, second, and third stories. The horizontal expansion will contain, in addition to the two enlarged conditionally-allowed units, two enlarged as-of-right units (the remaining seven non-conforming units are not proposed to be expanded). New entry stairs and a driveway/garage door will be constructed at the front. The subject property is within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 (Continued from Regular Meeting of April 22, 2004)

SPEAKER(S):

(+) **David Silverman**

- The proposal will renovate a building constructed in 1875 including an enlargement of two dwelling units.
- The project raises the building four feet to create a below grade garage.
- The building will be reduced the same amount raised so that it does not become taller.
- The density on the block face ranges from 1 to 27 units.
- The structure will maintain the architectural significance of the building.

- The building now has studios and one bedroom units. These will be converted to family units.
- The project satisfies all requirements from the Planning Code and Master Plan.
- The project will preserve and rehabilitate a building built in 1875 as well as provide family units.
- They have been able to reach an agreement with the adjacent neighbors.

(+) Jared Eigerman – Reuben and Junius

- He displayed a floor plan of the project.
- Stating that a light well will be matched with a 5-foot setback.
- Sponsor has agreed that 1) when the project is jacked up, it will be moved forward 5 feet; 2) extension closest to appellant will not extend more than 5 feet six inches; 3) extension in the back will remain as proposed; 4) there will be a five foot setback on the eastern line that will match light well; 5) elimination of deck;

(+) Michael Gaverts – 1944-1948 Green Street Homeowner's Association

- The remaining items are the following: 6) windows on the eastern wall of the rear extension of 1950 and 1958 Green Street at the first living level above the garage will have opaque glass; and 7) on the third floor proposed deck of the eastern most part of the property, a privacy wall will be installed.

(+) John Glare – Engineer

- He supports the project.
- His clients have gone out of their way to support the proposed project and solve common issues.
- There is a long history of problems on the site.
- He has met with the project architect and understands that his suggestions will be included in the site plans.
- Their concerns are 1) proposed design maximize the landscaping to retain existing view of all parties; 2) collect over flow surface water; 3) stop slippage of soil; 4) include a maintenance easement; 5) proposed design attempts to minimize the visual impact of the retaining walls.

(-) Paul Wermer – Pacific Heights Homeowners Association

He originally came to the hearing to speak on behalf of himself but received a call from the Pacific Heights Homeowners Association to speak on their behalf in opposition of this project.

- This is a wonderful building and is rather unusual.
- This project is historically significant. This modification would destroy it by expanding to the rear.
- Raising the top parapet will add to the bulk appearance.
- This is a high density building with parking that is close to transit.
- These are the reasons why he opposes this project.

(+) Arnie Lerner – Preservation Architect

- He is in support of the Conditional Use.
- There are no five sided bays on this building.
- When one goes inside the building, there is a very nice set of stairs.
- The building modifications suggest maintaining the character of the building.

ACTION: Approved with the agreement between the sponsor and the 1944 – 1948 Green Street Homeowner's Association and the further modification as follows: 1) proposed design maximize the landscaping to retain existing view of all parties; 2) collect over flow surface water; 3) stop slippage of soil; 4) include a maintenance easement.

AYES: Antonini, Bradford Bell, Boyd, S. Lee

ABSENT: Hughes and W. Lee

MOTION: 16808

15. 2003.1298C (K. McGEE; (415) 558-6367)
49-51 DUBOCE AVENUE - south side, between Woodward and Valencia Streets, Lot 039 in Assessor's Block 3532 - **Request for conditional use authorization** to construct five dwelling units in a C-M (Heavy Commercial) Zoning District and a 50-X Height and Bulk District, and in the Eastern Neighborhoods Interim Policy Core PDR area per Planning Code Section 215. The proposal is to demolish the existing commercial building, a scooter repair shop, and to construct five units with parking.
 Preliminary Recommendation: Disapproval.

SPEAKER(S):

(+) Valery Lee – Project Sponsor

- This project has been around since 2000. There have been two new condominium projects built recently.
- The lot is very small for PDR use.
- The project does conform to neighborhood use. They will provide housing, add units available for [affordable] housing, etc.
- She hopes that the Commission will approve this project.

(-) Bill Halibah

- He lives on Woodward Street which is near the project.
- He is concerned with the height of the building.

(+) Kevin Lee

- He lives on Mission Street only a few blocks away from the project.
- The City really needs housing.
- This area will become the most affordable to find housing units.
- This project will give him the opportunity to purchase property.
- Every neighborhood should have a balance of commercial and residential.

ACTION: Project disapproved
 AYES: Antonini, Bradford Bell, Boyd, S. Lee
 ABSENT: Hughes and W. Lee
 MOTION: 16809

16. 2003.0846CR (F. JONES: (415) 558-6477)
1298 OCEAN AVENUE - northeast corner of Ocean Avenue, and Plymouth Avenue, Lot 017, Assessor's Block 3199 - **Request for Conditional Use Authorization** for the new construction of a one-story, 6,100 square foot public library branch (Ingleside Branch Library) on a vacant 11,120 square foot corner lot previously occupied by an auto repair garage Planning Code Section 711.83 requires Conditional Use Authorization for the creation of a publicly owned use, Section 711.11 requires a Conditional Use Authorization for the development of lots in excess of 10,000 square feet, and Section 711.21 states that nonresidential uses in excess of 3,999 square feet are subject to Conditional Use Authorization in an NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of May 6, 2004)

SPEAKER(S):

(+) Susan Holder – City Librarian

- The site is ready to build on and will be a good transition between the two story and the mixed use City College location.
- They have worked on all phases of the project with planning staff.
- There has been a lot of community input. They have worked with the Westwood Park Homeowner's Association.
- The architect selection was done via a design competition.

- They are continuing to work with the design of the building by continuing to obtain comments from the neighbors.
- She has a number of letters for support.
- They are discussing issues on property line matters.

(-) **Teng Lee**

- They share a common property with the library.
- This issue with the property line will restrict the use of his property.
- They have been negotiating with the City librarian to try to resolve these issues.
- Until they reach an agreement, they will be against the project.

ACTION: Approved with the conditions as amended: conditional use permits must be obtained within three years.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16801

6:00 P.M

17.

(M. CHION: (415) 558-6314)

RE-OPEN CONSIDERATION OF ADOPTION OF INTERIM RULES FOR THE MISSION IN THE EASTERN NEIGHBORHOODS: (generally bounded by Potrero Avenue, Cesar Chavez, Guerrero, and Division Streets). **Public hearing on the adoption of interim policies or a resolution of intent to adopt interim zoning controls** that would establish areas for Housing and Mixed Use, PDR, and Housing/PDR in the Mission. The Housing and Mixed Use zoning overlay will encourage residential development; the PDR zoning overlay will primarily support production, distribution and repair activities; and the Housing/PDR zoning overlay will promote a mix of residential and other uses while preserving existing PDR space. The initiation of interim zoning controls would require the adoption of a resolution of intent to initiate that will enable the publication of a formal notice for a future public hearing at which hearing the Planning Commission would consider the adoption of interim controls.

NOTE: On March 25, 2004, Commission President Bradford Bell re-opened the consideration of interim rules for the Mission area of the Eastern Neighborhoods.

SPEAKER(S): None

ACTION: Without hearing, item continued to July 1, 2004.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Janett Craine – Smith and Craine Architects

Re: 212 Union Street

- Her clients have asked them to bring to the attention of the Commission the matter of a recently issued Certificate of Compliance.
- The project restores and saves a much altered old cottage in the Telegraph Historic District. The project renovates the cottage and has constructed a new cottage.
- By maintaining the scale of the two buildings, preserving the existing cottage and surrounding the space with landscaping, allows for an unusual significant investment.
- The Planning staff have approved all the details of the project except for one: the treatment of the old cottage's existing front door and access from the Union Street steps.
- The Landmark's Advisory Board approved all the requirements except for the door.
- The Telegraph Hill Homeowner's Association would like to save the door and move it to the level below since the entrance is now from a courtyard. If the door was moved it would create two front doors which would not be agreeable to the owners.
- She requested that the Commission allow this project to be discussed in a Director's Report.

Adjournment:

THESE MINUTES WERE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, June 17, 2004.

SPEAKERS: None
ACTION: Approved
AYES: Antonini, Boyd, Bradford Bell, Hughes, S. Lee
EXCUSED: None

SAN FRANCISCO PLANNING COMMISSION Meeting Minutes

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, June 10, 2004

1:30 PM

Regular Meeting

DOCUMENTS DEPT.

AUG 11 2004

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSIONERS PRESENT: Michael J. Antonini, Shelley Bradford Bell, Edgar E. Boyd, Kevin Hughes, Sue Lee, William L. Lee

COMMISSIONERS ABSENT: None

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD BELL AT 1:32 p.m.

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Jim Nixon – Zoning Administrator; Susan Cleveland-Knowles – Deputy City Attorney; Diane Lim; Kate McGee; Mary Woods; Jim Miller; Paul Lord; Elaine Tope; Nora Priego – Transcription Secretary; Linda Avery - Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2003.1110T (C. NIKITAS:(415) 558-6306)
REQUIRED SECOND MEANS OF EGRESS - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress **Adoption of an ordinance amending the San Francisco Planning Code** by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.
Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.
(Continued from Regular Meeting of April 22, 2004)
(Proposed for Continuance to June 24, 2004)

SPEAKER(S): None

ACTION: Without hearing, item continued to June 24, 2004
AYES: Antonini, Hughes, S. Lee, W. Lee

2. 2004.0365DD (G. CABREROS: (415) 558-6169)
850 - 45TH AVENUE - east side between Cabrillo and Fulton Streets; Lot 024 in Assessor's Block 1687 -- **Requests for Discretionary Review** of Building Permit Application No. 2003.08.22.2792 proposing to add a second dwelling unit, add two floors and a horizontal addition to the rear of the existing single-family residence resulting in a four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.
(Proposed for Continuance to July 22, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to July 22, 2004
AYES: Antonini, Hughes, S. Lee, W. Lee

3. 2003.1177C (E. TOPE: (415) 558-6316)
2301 FILLMORE STREET - northwest corner at Clay Street, Lot 004 in Assessor's Block 0611 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 718.48 and 790.38, to allow amplified music and to extend the hours during which entertainment is allowed in a nonconforming bar and full-service restaurant (to be occupied by Leticia's Restaurant) in the Upper Fillmore Street Neighborhood Commercial District and a 40-X Height and Bulk District. Planning Commission Motion No. 13781, adopted on November 17, 1994, limit entertainment at this location to non-amplified music and restrict the hours during which entertainment is allowed.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of March 4, 2004)
(Proposed for Continuance to July 22, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to July 22, 2004
AYES: Antonini, Hughes, S. Lee, W. Lee

4. 2004.0151D (M. WOODS: (415) 558-6315)
2250 JACKSON STREET - north side between Buchanan and Webster Streets; Lot 008 in Assessor's Block 0589 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.07.07.8857S, proposing to merge five dwellings units to a single-family residence in an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of April 8, 2004)
(Proposed for Continuance to September 2, 2004)

SPEAKER(S): None
ACTION: Without hearing, item continued to September 2, 2004
AYES: Antonini, Hughes, S. Lee, W. Lee

5. 2004.0180D (G. CABREROS: (415) 558-6169)
3364 WASHINGTON STREET - north side between Walnut Street and Presidio Avenue, Lot 011B in Assessor's Block 0984 - **Request for Discretionary Review** of Building Permit Application No. 2003.11.10.9871 proposing front facade alterations and a three-

story rear horizontal addition to an existing three-story, single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve as submitted.

(Continued from Regular Meeting of April 15, 2004)

BUILDING PERMIT APPLICATION HAS BEEN WITHDRAWN.

SPEAKER(S): None

ACTION: None. Building Permit Application Withdrawn

6. 2004.0058D (D. SIROIS: (415) 558-6313)
1430 43RD AVENUE - east side between Kirkham and Judah; Lot 038 in Assessor's Block 1811 - **Request for Discretionary Review** of building permit application No. 2003.09.04.3873 seeking to construct a vertical addition and lateral addition on an existing single-family dwelling in an RH-1 (Residential House, Single-Family) District and in a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve permit with modifications.

(Continued from Regular Meeting of May 27, 2004)

BUILDING PERMIT APPLICATION HAS BEEN WITHDRAWN.

SPEAKER(S): None

ACTION: None. Building Permit Application Withdrawn

B. COMMISSIONERS' QUESTIONS AND MATTERS

7. Consideration of Adoption of Draft Minutes of May 20 and May 27, 2004

SPEAKER(S): None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee

8. Commission Comments/Questions
None

9. **ALTERNATING CASE TYPES** - On February 19, 2004, the Commission adopted the recommendation of Acting Director, Larry Badiner to mix each calendar by alternating case types. (i.e. Discretionary Review type cases would be first one week on the calendar and Conditional Uses and other type cases would be first the next week). The Commission also instructed that this be brought back to them for review in three months. **At this time, the Commission will review the effectiveness of the current alternating case type on the Commission calendars. They will consider maintaining it, modifying it, or abolishing it.**

SPEAKER(S): None

ACTION: Commission directed that cases continue to be alternated on calendar as they currently are.

C. DIRECTOR'S REPORT

10. Director's Announcements
- Report on the Certificate of Appropriateness for 212 Union Street.
 - Cottage proposed for substantial alternations.
 - proposal is to raise the cottage; excavate to provide a living area; put open space on top of living areas; then construct a cottage.

- This project had an earlier Certificate of Appropriateness, it was heard by the Landmarks Board who concurred that the existing building has an entrance on the Union Street steps. They determined that it was important to maintain those steps.
- The project sponsor is concerned that a real stairway to a false entry does not make sense.
- It would be useful to hear from project sponsor.

SPEAKER(S):

Janet Crane

- She displayed a drawing of the courtyard showing the old building as well as the new one.
- The owners feel that they would really like to relocate the front door to the courtyard.
- They did have a complete permit and Certificate of Appropriateness.

Mr. Freebairn-Smith

- He just wants to assure the Commission that this project, even though it is very old, that nothing casual is happening here.
- The courtyard entry is the most logical way to enter the building.

Jeremy Paul

- He did extensive research on this property a few years ago.
- After putting in lots of research, the owner decided that he was not interested in the challenge of the task so he decided to sell the property.
- He is glad that the new owner is taking really good care of the property.

ACTION: Director Badiner has taken the matter under advisement and will report back to the Commission at a future hearing.

11. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BOS –

Re: Transbay EIR Appeal

- It came to the attention of staff that a number of Supervisors believed that they did not have the actual EIR. There was some discussion as to whether to continue this item or not. Ultimately it was continued.

Re: 690 Market Street

- This is a major renovation to the building.
- The project sponsor wanted the Mills Act to have relieve from taxes.
- The discussion with the Assessor has taken place over the last year with the project sponsor.
- The Board granted a continuance of this item.

BOA –

Re: 572 San Jose Avenue

- This was to modify a two unit building. The Commission denied the Discretionary Review. The item was continued again because both sides have new attorneys.

Re: 899 North Pont

- This was a demolition of a gas station. The demolition report indicated that they would be able to do additional soils testing. There will be a Negative Declaration following.

SPEAKER(S): None

D. REGULAR CALENDAR

12.

(D. LIM: (415) 558-6547)

ETHICS COMMISSION REQUEST FOR PLANNING COMMISSION AND DEPARTMENT PERSONNEL INCOMPATIBLE ACTIVITIES STATEMENT - Commission consideration of adoption of the draft Department Incompatible Activities Statement for submission to the Ethics Commission.
Preliminary Recommendation: Adoption

SPEAKER(S): None

ACTION:

Adopt with modifications to the Statement of Incompatible Activities Planning Department/Commission document:

1) Page 1, Section 1, second bullet point: No officer or employee shall participate in any activity or enterprise where income, profit or other gain is or may be accrued, which could adversely reflect on the honor or efficiency of the City service, or be contrary to the best interest of the City service in any respect.

2) Page 2, Section I, fourth bullet point: Planning Department officers and employees may not work on plans, policies, applications or vases for review within 500 feet of where they reside or have a financial interest where the affected staff has no different interests than a member of the general public.

3) Page 3, Section III, third bullet point: No officer or employee shall solicit or accept any gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee or from any candidate or applicant for a position as employee or subordinate under him or her except where those gifts would be customary under certain occasions such as holidays, birthdays and other like events.

4) Page 4, Section V, first bullet point: Employees of the Planning Department may not engage in outside activity that requires absence from the office during the regular work day on more than an occasional basis. Other than explicitly written permission by the Director of Planning that benefit the employee or the department.

5) add a fourth bullet point: Any outside employment shall be subject to the explicitly written approval of the director of Planning as set forth in Civil Service Section.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16810

13a.

2004.0213CV

(K. McGEE: (415) 558-6367)

52-60 6TH STREET - northwestern corner at Jessie Street; Lot 6 in Assessor's Block 3703 - **Request for Conditional Use Authorization** to allow the intensification of a nonconforming nighttime entertainment use, pursuant to Planning Code Section 181. The existing facility ("Club Six"), located on the ground and basement levels, is a nightclub, bar, and lounge, and proposes to expand by adding 2,450 square feet at the ground floor and 2,042 square feet at the basement level, resulting in a total of 8,647 square feet for the establishment. The subject property is in an RSD (Residential / Service) Mixed-Use District with an 85-X Height and Bulk district.
Preliminary Recommendation: Approval with Conditions

SPEAKER(S):**(+) Mark Rene – Representing the Project Sponsor**

- It is noted on the materials that 6th and Market had been the premier district for theater use after World War II, then there was a decline. Since 1990 the area started a late night revival.
- 6th Street after 11:00 p.m. is one of the premier districts now for late night entertainment.
- These types of businesses create a safer area.
- Staff has recommended approval with conditions. However, he would recommend that the hours change from 5 p.m. to 4 a.m. on Wednesday, Thursday, Friday and Saturday nights and nights before National Holidays.

(+) John Peterson – Project Architect

- He displayed a photograph of the street where the bar has been located since the 1950s.
- He displayed a floor plan from 1947.
- They are working with the redevelopment agency to undergo façade improvements.
- He displayed a photograph of the interior of the bar.
- Plans include acoustic abatement.
- There will be a venue for video artists both locally and nationally.
- There will be several video screens.

(+) Tony Ineem

- He is the owner of the hotel adjacent to the bar.
- He does not have any complaints about the bar.
- He has a good relationship with the owner.

(+) Angel Cruz

- The bar will include art and live music.
- There are interesting challengers on 6th Street but they have managed to overcome these.
- Many people nationally have come to the bar.

(+) Doc Nially

- He owns a business across the street from the bar.
- It has not been easy to have a successful business on 6th Street.
- He has worked with Mr. Cruz to fight crime and prostitution and make the area safe.
- He believes that approval of the bar would have a positive impact on that street

(+) Roger Gordon – Executive Director of Urban Solutions from the Redevelopment Agency

- Mr. Cruz is a member of the Board of Directors.
- He has been working with the Redevelopment Agency on a project called Six on Sixth.
- Our goal is to help them turn the corner from Market Street and replace the empty store fronts on 6th street.
- Many businesses on 6th Street have been doing very well.
- This project is a diversification of use.

(+) John Boyan – Late night Coalition

- They are trying to promote businesses that coexist with their neighbors.
- Club Six was a pioneer.
- The club has existed with this new owner for five years now without any problems.
- Limiting the entertainment for certain days of the week would hurt the business.
- Many entertainment venues exist with resident units above.

(+) Gerald Sampson

- He is a resident of 6th Street.
- He knows the owner and there have not been any problems with the club.
- Sixth Street has been very bad for many years, but the club has helped out a lot.

(+) Erin Seto

- She is a patron of Club Six.
- She really enjoys going there.
- She supports this project.

(+) Liam Shy

- He is a member of the Youth Commission representing ages 12 to 23.

- They have not voted on this issue but have done a lot of analysis on work and entertainment around San Francisco. They have actually passed a resolution declaring San Francisco in a health crisis for the lack of venues for young people.
- The Youth Commission is in support of expanding entertainment venues.

(+) Minish Kaina

- He is an artist and a producer.
- He has held events at Club Six.
- There have been international artists come as well.
- Expanding the club would help San Francisco in it's artistic aspect and will place us on the map.

(+) Jay Fonce

- He has known Mr. Cruz since 1984.
- He has many endeavors in the art community.
- In the last few years, he has helped Mr. Cruz upgrade the exterior image of the club.
- There have not been any graffiti on the murals outside of the bar.

(+) C. Cheng

- He has worked with Mr. Cruz on booking events.
- A lot of people have said that they are not sure about going into this neighborhood. The ones that decide to come realize that they can keep coming back to other events.

(+) Terrance Allen – President of the Entertainment Commission

- With the formation of the Entertainment Commission, the Planning Commission can differ many of the responsibilities they have had related to entertainment.
- The conditions that are before the Commission are not from the Entertainment Commission but from the Police Commission.
- They want to standardize, across the City, the way entertainment venues relate to their neighboring businesses and residential uses.

ACTION:

Approved with Modifications to the Conditions of Approval:

- 1) Item 2: This authorization permits the facility to remain open and offer amplified entertainment and dancing only between the hours of 5 p.m. and 4 a.m. on Wednesday, Thursday, Friday and Saturday nights (i.e. Saturday and Sunday early-mornings) and nights before nationally recognized U.S. Holidays.
- 2) Delete Item 20.
- 3) Wherever Police Commission is stated, add Entertainment Commission.
- 4) Item 17: ~~The establishment shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons. The establishment should provide adequate signage which shall be well-lit and proximately displayed to advertise the availability and location of parking resources for the establishment patrons.~~
4) Establishment may include the ground floor.

AYES:

MOTION:

Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee
16811

13b.

2004.0213CV

(K. McGEE: (415) 558-6367)

52-60 6th STREET - northwestern corner at Jessie Street; Lot 6 in Assessor's Block 3703
- **Request for Variance** - Section 151 of the Planning Code requires one parking space be provided for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. The proposal to expand the project results in a total of 8,647 square feet for the establishment. The project expands the existing use beyond the 5,000 square foot parking threshold and would require 52 parking spaces. The project does not propose to add any parking spaces and therefore requires an off-street

parking variance. The subject property is in an RSD (Residential/Service) Mixed-Use District with an 85-X Height and Bulk district.

SPEAKER(S): Same as those listed for item 13a.

ACTION: Zoning Administrator closed the public hearing and granted the variance.

- 14a. 2003.1241CV (M. WOODS: (415) 558-6315)
1447-1449 LOMBARD STREET - south side between Van Ness Avenue and Franklin Street; Lot 104, in Assessor's Block 0503 - **Request for Conditional Use authorization** under Planning Code Sections 161(j) and 303 to waive the two-car parking requirement for the proposed conversion of office spaces to two dwelling units on the second and third floors of an existing three-story building with a full-service restaurant on the ground floor. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of May 6, 2004)

SPEAKER(S):

(+) **Pat Buskovitch**

- This building has been vacant since 1998.
- The owner of the building passed away this morning, but his daughter would still like to go forward with the project.
- The building cannot be rented for office.
- Most of the buildings in the area are commercial.
- There are a number of parking lots in the neighborhood.
- The building is on a major transit line.
- There is plenty of open space in the front of the building.
- The project will add housing units to the City's housing stock.

ACTION: Approved

AYES: Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

EXCUSED: Antonini

MOTION: 16812

- 14b. 2003.1241CV (M. WOODS: (415) 558-6315)
1447-1449 LOMBARD STREET - south side between Van Ness Avenue and Franklin Street; Lot 104, in Assessor's Block 0503 - **Request for rear yard and non-complying structure variances** for the proposed conversion of office spaces to two dwelling units on the second and third floors of an existing three-story building with a full-service restaurant on the ground floor. The proposed conversion would not alter the size of the existing building. Because the existing building already encroaches into the required rear yard, it is considered a legal, non-complying structure, and the conversion of the two upper floors from commercial use to residential use triggers these variances. The site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.
(Continued from Regular Meeting of May 6, 2004)

SPEAKER(S): Same as those listed for item 14a.

ACTION: Zoning Administrator closed the public hearing and granted the variance.

- 15a. 2002.0927/EKXCV (J. MILLER: (415) 558-6344)
1340-1390 MISSION STREET - northeast corner at Tenth Street (with additional frontage on Jessie and Ninth Streets), Lots 13, 26 and 27 in Assessor's Block 3508, in a C-3-G (Downtown General Commercial) District and in 120-X, 150-S and 200-S Height and Bulk Districts - **Review under Planning Code Section 309** of a new building,

variously eight and ten stories in height, containing approximately 231 units of affordable family housing (127 units) and senior housing (104 units) plus ground-floor space for community use, arts activities and retail use, and second-floor space for housing support services and building management, including requests for exceptions to Planning Code requirements for rear-yard area (Section 309(a)(1)) and ground-level wind currents (Section 309(a)(2)).

Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) Merle Malakoff – Project Sponsor

- They are the largest producer of affordable housing in the City.
- They are proposing 100 percent affordability for all 231 units.
- The variances requested are very minor.
- They are intending to provide HUD opportunity.
- There is a strong commitment to provide support services.
- They are working with the City's Department of Health to serve some seniors that have been homeless.

(+) Earl Rogers

- Chaplain of San Francisco Rescue Mission.
- As people move up or forward on the housing ladder, starter or more affordable housing opportunities for others are provided.

ACTION: Approved with Amendments: include CEQA findings and conditions; include standard subordination language.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16813

- 15b. 2002.09271EKXCV (J. MILLER: (415) 558-6344)
1340-1390 MISSION STREET - northeast corner at Tenth Street (with additional frontage on Jessie and Ninth Streets), Lots 13, 26 and 27 in Assessor's Block 3508, in a C-3-G (Downtown General Commercial) District and in 120-X, 150-S and 200-S Height and Bulk Districts - **Request for authorization of a Conditional Use**, pursuant to Planning Code Section 124(f), for additional square footage (to be devoted to affordable housing) above the 6.0 to 1 floor area ratio (approximately 6.2 to 1) established for the C-3-G zoning district subject to the limitations set forth therein in conjunction with the construction of approximately 231 units of affordable family and senior housing plus ancillary ground- and second-floor uses.

Preliminary Recommendation: Approval with Conditions

SPEAKER(S): Same as those listed for item 15a.

ACTION: Approved

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16814

- 15c. 2002.09271EKXCV (J. MILLER: (415) 558-6344)
1340-1390 MISSION STREET - northeast corner at Tenth Street (with additional frontage on Jessie and Ninth Streets), Lots 13, 26 and 27 in Assessor's Block 3508, in a C-3-G (Downtown General Commercial) District and in 120-X, 150-S and 200-S Height and Bulk Districts - **Dwelling-unit-exposure and lot-width Variances** sought in conjunction with new construction of approximately 231 units of affordable family and senior housing plus ancillary ground- and second-floor uses, for dwelling units with their exposure onto an interior courtyard with dimensions insufficient to meet the standards for dwelling-unit exposure contained in Planning Code Section 140, and to re-subdivide the subject Lot 13 to sever a portion (which is already developed with a building) with a width of less than 25 feet, the minimum width established by Planning Code Section 121(d).

SPEAKER(S): Same as those listed for item 15a.

ACTION: Zoning Administrator closed the public hearing and granted the variances.

16. 2004.0306C (T. WANG: (415) 558-6335)
50 THOMAS MORE WAY - on the southwest corner of Thomas More and Brotherhood Ways; Lots 010 and 011 in Assessor's Block 7380 - **Request for Conditional Use authorization** pursuant to Planning Code Sections 209.3 (f) and (g) and 304 for a Planned Unit Development (PUD) to allow St. Thomas More School: (1) construction of a gymnasium and a classroom building; (2) addition of a preschool of 35 children; (3) an increase in enrollment from up to 300 students to up to 350 students; (4) seeking exceptions from rear yard requirements; (5) relocation of a portable classroom building to another location on campus; and (6) amending two previous Conditional Use authorizations related to the school in an RH-1(D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions

SPEAKER(S):

(+) **Joe Elsbernd – Principal of St. Thomas Moore – Project Sponsor**

- There are currently kindergarten students in mobile classrooms.
- They have done a lot of remodeling to accommodate the growth of the school.
- They would like to have a permanent location for their kindergarten.
- They also would like to open a pre-school.

(+) **Steve Wong – Project Sponsor**

- They are very excited about the job.
- This project provides a much-needed gymnasium for the school.
- They have met the parking requirements.

ACTION: Approval

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16815

17. 2004.0302T (P. LORD: (415) 558-6311)
ADULT ENTERTAINMENT USES NO LESS THAN 1,000 FEET FROM SCHOOLS, CHILD CARE FACILITIES AND PLAYGROUNDS - Require that Adult Entertainment Uses are no less than 1,000 feet from schools, child care facilities and playgrounds - **Consideration of an Ordinance amending San Francisco Planning Code Sections 221, 790.36 and 890.36** to provide that, where permitted, adult entertainment uses must be no less than 1,000 feet from public and private schools, child care facilities and Recreation and Parks Department children's playgrounds, and making finding of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
 Preliminary Recommendation: Approval

SPEAKER(S):

(+/-) **Terrence Allen – President of the Entertainment Commission**

- Why is this coming forward at this time? This legislation needs to be understood.
- This legislation came forward as a "knee jerk" reaction to the change in programming at a club located at 220 Jones Street as opposed to a well thought out piece of legislation.
- He does not know all of the details of what will be amended.
- There has to be an equanimity into the law.
- The definition of "adult entertainment" needs to be defined.
- He has the third draft of this legislation available.

(+) **Earl Rogers – Chaplain San Francisco Rescue Mission**

- The City has almost studiously avoided regulating this industry and this needs to be done.

(+) **Bill Barnes**

- If the goal is to not have children near these adult entertainment venues, then some guidelines need to be established for both.

ACTION: Adopt with Modifications: 1) Define what adult definition is; 2) a school (K-12, private or public) cannot locate within 1000 of an existing adult entertainment facility; 3) shall not be considered a non conforming use under Section 180 of the Planning Code and may therefore be intensified or expanded; 4) childcare facilities shall make themselves known regardless of size; 5) notification shall be given to residents of the neighborhood and 6) re-examination of fees.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

MOTION: 16816

18. 2003.1254D (E. TOPE: (415) 558-6316)
170 ST. GERMAIN AVENUE - north side at Glenbrook Avenue; Lot 009 in Block 2708 - **Request for Discretionary Review** of Building Permit Application No. 2003.07.31.0905, proposing to construct a one story horizontal and a one story vertical addition to an existing two story over basement single family dwelling in an RH-1 (D) (Residential, House, One-Family, Detached Dwelling) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take discretionary review and approve the permit with modifications.
 (Continued from Regular Meeting of May 6, 2004)

SPEAKER(S):

Re: Continuance

Walter Kapland – Representing Discretionary Review Requestor

- There is a substantial number of neighbors that would like to have a continuance since they were only able to meet with the project sponsor just a few evenings ago.
- The Planning process works well when things are resolved outside of Planning Commission hearings.
- Sutro Tower agreed to do a seismic retrofit, which will be finished this weekend. This project is not good for the neighborhood.
- He asked the Commission to request another meeting with the neighbors and the project sponsor to talk about height, bulk, etc.

Jeremy Paul – Representing Project Sponsor

- This item has been continued several times.
- It is time to get this project resolved.

(The above comments were taken under the ITEMS PROPOSED FOR CONTINUANCE category. It was decided to address that question at the call of the item.)

Re: The question of Continuance was again heard at the call of the item.

Walter Kapland

- He submitted a copy of a letter from Paul Negalscue who is withdrawing his support of the project.
- All the people who had supported the project have withdrawn their support.
- He believes that this project can and should be approved in a modified way in the future.
- To have a hearing now would open scabs and put "salt on wounds." This project will not allow for neighbors to talk and find solutions.

Jeremy Paul – Project Sponsor

- During the brief discussion that was held before the hearing, there was mention that the Commission had recently received information therefore justifying a continuance.
- There is no new information. The comments from the neighbors were filed on April 20. A lot of staff time has been spent on this. There is no time to get involved any more.

ACTION: Without hearing, item continued to July 22, 2004

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

19. 2004.0071D (B. FU: (415) 558-6613)
406 MISSISSIPPI STREET - west side, between 19th and 20th Streets; Lot 001A in Assessor's Block 4065 - **Request for Discretionary Review** of Building Permit Application No. 2003.08.11.1725 proposing to construct a one-story vertical addition to the existing one-story over garage building in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

SPEAKER(S):

(-) Gayle Keck – Discretionary Review Requestor

- They are in complete agreement that if the project sponsor agrees to install a skylight in their home, they would agree with the project.
- They have not received a response regarding the request to install the skylight.
- She purchased the house about 20 years ago.
- The window in the bathroom is the only window on that side of the house.
- She and her husband had to move away from San Francisco but rented the house.
- The renters are really concerned about the light that will be lost from that window.
- If they were forced to pay for the skylight themselves, they would have to raise the rent and this is something they do not want to do.

(-) Paul Herman

- He read a letter from the tenant that is currently renting the property who requested that a skylight be installed because otherwise the proposed project would block light and air to the bathroom.

(+) Claire Pitcher – Representing Project Sponsor

- The Discretionary Review requestor submitted a bid and the cost for the skylight would be \$16,500 – this is not reasonable.
- She requested that the Planning Commission take Discretionary Review and approve the project as presented by the project sponsor.

ACTION: Take Discretionary Review and required the project sponsor to pay up to \$3,000 for the installation of a skylight. Payment shall be upon proof of installation.

AYES: Antonini, Bradford Bell, Boyd, Hughes, W. Lee
 NAYES: S. Lee

20. 2004.0164D (W. HASTIE: (415) 558-6381)
571-573 MISSOURI STREET - east side between 20th and Sierra Streets; Lot 28 in Block 4101 - **Request for Discretionary Review** of Building Permit Application No. 2003.09.19.5267, proposing to construct a horizontal and vertical addition to an existing two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve the Project as Proposed.
 (Continued from Regular Meeting of May 20, 2004)

SPEAKER(S):

(-) Susan Taggart

- This Discretionary Review is just about preserving the open space.
- Land for gardens is at a premium.
- They want to keep development into the open space at a minimum.
- Her aunt purchased the house recently so she is very interested in what is built.
- There are no buildings that match the project sponsor's project.

- Because there is a flat roof, the height of the extension would be extremely high.
- Bring the extension back 4 feet or remove about 54 feet of living space from the proposed project. Require that all roofs be fire rated and metal railings to be kept as parapets.
- They are not asking to change much.
- We are proposing these very small changes.

(-) Jean Taggart

- She is Susan's aunt and is 85 years old.
- The project would block sunlight to her property and eliminate her privacy.
- Being next to her niece and nephew-in-law makes her very happy.

(-) Lol Hansen

- He lives on the same block where the proposed project will be located.
- The block that they live on has very modest houses.
- Most of the lots there have gardens, trees, shrubs.
- The addition is inappropriate for what is on their block.
- To him, the project was shocking.
- There are also concerns of privacy.

(+) Steven Step – Project Architect

- He displayed a diagram of the proposed project.
- The units are not very large.
- The biggest issue is how they work with the neighborhood and how to appeal to their concerns.

ACTION: Do not take Discretionary Review and approved the project.

AYES: Antonini, Bradford Bell, Boyd, Hughes, S. Lee, W. Lee

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: 6:46 p.m.

THESE MINUTES ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, AUGUST 5, 2004.

SPEAKERS: None

ACTION: Approved

AYES: Antonini, Hughes, S. Lee, W. Lee

EXCUSED: Olague

ABSENT: Bradford Bell

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes
Thursday, June 24, 2004
1:30 PM
Regular Meeting

DOCUMENTS DEPT.

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PRESENT: Bradford Bell; Antonini; Boyd; Hughes, S. Lee, W. Lee

THE MEETING WAS CALLED TO ORDER BY PRESIDENT BRADFORD-BELL AT 1:40 PM

STAFF IN ATTENDANCE: Larry Badiner – Acting Director of Planning; Jim Nixon- Acting Zoning Administrator; Jean Paul Samaha; Joan Kugler; Mathew Snyder; Michael Smith; Tina Tam; Rick Crawford; Glenn Cabrerros; Patricia Gerber – Transcription Secretary; Linda D. Avery – Commission Secretary

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2003.0106D (M. WOODS: (415) 558-6315)
1910-12 STEINER STREET - east side between Wilmot and Bush Streets; Lot 018 in Assessor's Block 0659 - **Mandatory Discretionary Review**, under the Planning Commission's policy requiring review of all dwelling unit mergers, of Building Permit Application No. 2003.06.16.7169, proposing to merge two dwelling units to a single-family residence in an RH-3 (Residential, House, Three-Family) District and 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and disapprove the proposed dwelling unit merger.
(Continued from Regular Meeting of May 27, 2004)
BUILDING PERMIT APPLICATION HAS BEEN CANCELLED

SPEAKER(S): None
ACTION: None

2. 2004.0388D (T. TAM: (415) 558-6325)
58 COLLINGWOOD STREET - west side between Market and 18th Streets, Lot 9 in Assessor's Block 2648 - **Request for Discretionary Review** for Building Permit Application No. 2003.12.08.1771S, proposing to alter the existing one-story-over-basement, single-family dwelling. The project will include raising the existing dwelling to allow for a new garage level for up to 2 new on-site parking spaces, construction of two

new floors on top of the existing dwelling, as well as a rear horizontal extension. The project will also change the number of dwellings from one to three units on the property. The property is located in the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Pending

DISCRETIONARY REVIEW APPLICATION HAS BEEN WITHDRAWN

SPEAKER(S): None

ACTION: None

3. 2002.1129E (L. GIBSON: (415) 558-5993)
SAN FRANCISCO MARINA RENOVATION – Lot 003 of Assessor's Block 900 in the Marina District on the northern waterfront between Laguna and Lyon Streets north of Marina Boulevard - **Appeal of Preliminary Mitigated Negative Declaration**. The proposed project is the renovation of the San Francisco Marina Yacht Harbor. Water-side improvements would include installation of three new breakwater structures and the removal of two existing breakwater structures; reconstruction of portions of the degraded rip-rap slopes; maintenance dredging; replacement and reconfiguration of the floating docks and slips; replacement of gangways and security gates; installation of one oily water and sewage pump out facility and refurbishment of two existing sewage pump out facilities; and upgrade of utility services and lighting at the new floating docks. Land-side improvements would include renovation of existing marina restroom, shower, and office buildings; conversion of a vacant building into office space; construction of a new maintenance building; re-stripping of existing parking lots and public paths; and construction of a new children's play area. The site is within a P (Public) District and an OS (Open Space) Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of March 11, 2004)
PRELIMINARY MITIGATED NEGATIVE DECLARATION HAS BEEN WITHDRAWN; ENVIRONMENTAL IMPACT REPORT WILL BE PREPARED

SPEAKER(S): None

ACTION: None

4. 2003.1110T (C. NIKITAS: (415) 558-6306)
REQUIRED SECOND MEANS OF EGRESS - Ordinance Amending the San Francisco Planning Code to Allow a Required Second Means of Egress **Adoption of an ordinance amending the San Francisco Planning Code** by adding a new section 136(c)(4)(A)(i-v) to allow certain stairways that are a required second means of egress under the Building Code, as permitted obstructions in the rear yard. The California Building Code no longer allows fire escapes as a second means of egress in most cases. This proposed text amendment provides an exemption to meet the requirements of the Building Code. This ordinance also includes changes to Section 311 and 312 to require neighbor notification for the addition of these stairways.
Preliminary Recommendation: Recommend approval of the ordinance to the Board of Supervisors.
(Continued from Regular Meetings of April 22, 2004 and June 10, 2004)
(Proposed for Continuance to July 15, 2004)

SPEAKER(S): None

ACTION: Continued as proposed

AYES: Bradford-Bell; Antonini; Boyd; Hughes; S. Lee; W. Lee

5. 2004.0088C (M. SNYDER: (415) 558-6891)

1042 MINNA STREET - north side between Lafayette and 11th Street, Lot 76 in Assessor's Block 3511 - **Request for Conditional Use authorization** under Planning Code Section 253 to construct three dwelling units that would be over 40-feet tall within an RH-3 District and 140-X Height and Bulk District. Conditional Use authorization is required for construction of any structure over 40-feet tall in a residential district. The subject site is within an RH-3 (House, Three-family) District and a 130-L Height and Bulk District.

Preliminary Recommendation: Approve with conditions
(Proposed for Continuance to August 5, 2004)

SPEAKER(S): None
ACTION: Continued as proposed
AYES: Bradford-Bell; Antonini; Boyd; Hughes; S. Lee; W. Lee

6. 2003.1164D (M. WOODS: (415) 558-6315)
6725 CALIFORNIA STREET - south side between 29th and 30th Avenues, Lot 47 in Assessor's Block 1404 - **Request for Discretionary Review** of Building Permit Application No. 2003.03.13.9612 proposing to alter the existing two-story, single-family dwelling by raising the building approximately eight feet in order to create a new ground floor to contain a two-car garage, with a new dwelling unit behind, and expanding the building to the front, rear and sides. The subject property is located in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of June 3, 2004)

NOTE: On January 22, 2004, following public testimony, the Commission closed the public hearing. The Commission expressed concerns that statements about preserving this structure or the essence of it are not reflected in the plans submitted. Item continued to March 25, 2004. Public hearing will remain open on any new information presented.

NOTE: On March 25, 2004, without a hearing, the Commission continued the matter to June 3, 2004. Public hearing remained open on any new information.

NOTE: On June 3, 2004, without a hearing, the Commission continued the matter to June 24, 2004. Public hearing continue to remain open on any new information.

(Proposed for Continuance to August 5, 2004)

SPEAKER(S): None
ACTION: Continued as proposed
AYES: Bradford-Bell; Antonini; Boyd; Hughes; S. Lee; W. Lee

7. 2004.0399DD (G. CABREROS: (415) 558-6169)
2121-2123 LEAVENWORTH STREET - west side between Filbert and Greenwich Streets; Lot 002 in Assessor's Block 0094 - **Requests for Discretionary Review** of Building Permit Application No. 2003.08.28.3345, proposing to construct a new fifth floor and a five-story horizontal addition to the southern side of the existing four-story, two-unit building in an RH-3 (Residential, House, Three-family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
(Proposed for Continuance to ~~September 9, 2004~~ September 23, 2004)

SPEAKER(S):
John Henry Copa

- Opposed the continuance of 2121 Leavenworth Street to September 9, 2004.
- Requested this item be continued to September 23, 2004.

ACTION: Continued to September 23, 2004.
AYES: Bradford-Bell; Antonini; Boyd; Hughes; S. Lee; W. Lee

B. COMMISSIONERS' QUESTIONS AND MATTERS

8. Commission Comments/Questions

Commissioner Antonini:

Re: Long Range Planning regarding our calendar discussion of Eastern Neighborhoods:

One request involves the interview of firms that have left San Francisco in the last few years. Correspondence on this will be forthcoming, but has not yet received it. Also, he has asked on numerous occasions for the names of PDR firms that recently have relocated to San Francisco and as yet, has not received them. There has only been a broad characterization of these firms by type, but not by individual names.

Commissioner Boyd:

- We do not often take an opportunity to express our appreciation for our leadership, especially for this Department and this Commission.
- I would like to take this moment to say to the Department and its staff and with the leadership -- what a wonderful job you are doing utilizing your time and your resources with the things made available to you to complete your tasks, and to continue [developing] land use policy and taking the leadership role for the City.
- For the staff that works hard, and supporting what this Commission does on a regular basis, for those who serve as secretaries, and those who serve as staff person for a particular project, your labor is quite beneficial to this Commission and certainly beneficial to the City as a whole.
- To the Commission, for the fine job that it does, and for the time each of us expends, offers and contributes to help the work and the job of the Planning Commission. And more particularly to our President, Shelley Bradford-Bell. For the time that this Commission has been a panel, and the items that have come before us, all of them, they have not been easy, and there might have been different sentiments voiced, expressed or harbored by individuals on the Commission, but yet there has always been a balance, a level approach to decision making. So I offer a word of commendation to Shelley Bradford-Bell as the president of this Commission--for what she does and for what she continues to do. I have seen many of the Commissions in the City, and have seen Planning Commissions of the City and County of San Francisco prior to the empanelment of this group that serves on this Commission now where that [level approach to decision making] is not always the case. This is a big job, and capable, quality leadership has been demonstrated by the president of this Commission.
- The City of San Francisco is one of the finest cities in the world. A world-class city. It is a city whose destination is on the calendar and focus of travel plans from people across the globe. Not just to tourist. But they come to learn. They come to study. They come to grow. They come to contribute. They come to [experience] this great City and this ecumenical setting in one sense. And then there is this great ethnic complexion of the entire circle of humanity -- they come to compliment it. And I think they do a great job in doing that.
- Many businesses have come, as Commissioner Antonini, stated this afternoon, and many have gone. Some of them have gone because the pressure has become too hard for them economically, or otherwise, for them to continue to do business and to transact the labors of distribution of goods or services in the City and County of San Francisco. But yet, San Francisco still remains a great City.
- Wanted to make a couple of observations because part of the beauty and part of the attractiveness of this City has been under siege. We have seen that on too many occasions. Small businesses found the city attractive and favorable and friendly. Many of the small companies who come to do business, and many who have been doing business in the City for a long time no longer find it a palatable place for them to do business. Yet in the mist of all of that, it becomes this Commission's

responsibility to set land use policy and set other kinds of parameters in place so the person who wishes to do business, and continue to do business, can do so. Not only to their growth and profit, but also to the growth and profit of this City, and then to the betterment of people. I do not think we are making a good job in engaging the work force of the City. In areas where it can be engaged, I think the administration has been a little less than supportive. A far bit less than supportive of this. We find out that those that are economically challenged and those residents from several communities--more specifically from African American communities--it often becomes more difficult without the support, the enhancement, and without the encouragement that comes from the civic administrative involvement for that community to continue to flourish, and continue to grow and be sustained. Anything less than that, I think, is against it. And I think this administration's policy needs to be a little bit more fine-tuned so they can begin to express themselves and direct themselves to meeting those needs.

- Looking at what has happened in the last 5 months plus a few days, a week or so, since the engagement of this administration and its leadership. We have not seen the same kind of vibrancy and the engagement of the totality of ethnic participation and availability in the City. I do not think we have seen that done overtly as a goal or an aim at all. It has been done pretty much to the contrary. We have seen an exodus of African Americans from the civic engagements. Certainly from Department Heads [positions]. And now, contrary to the City's Charter, we have learned and understand, even beyond what this Commission is supposed to do, that there has already been an announcement made that the Director for the Planning Department has been chosen. And that decision has arrived without the engagement and without the direction of this Commission. And I certainly believe personally, that the Charter calls for that [Commission's involvement], and provides for that. If that is done here, I supposed it is done in many other places at the same time. We are seeing African American Department Heads leave from several departments. We have seen members who have been employed in the City government leave from many places. We find out they're leaving is the cause of the diminishment of our presence here. That it is unfriendly. That is very unfavorable for such economically challenged communities.
- Access to the leadership of this administration has been less than favorable. I see it personally as less than favorable when access is not available. There is no communication. [We need the kind of communication that leads to] compromise and the kind of unified building, the engagement of resources of personal as well, for ideas to come in for the entire City. It didn't start yesterday. I think it started 5 months ago, and it is beginning to snow ball as it moves forward faster and faster.
- My time with the Commission has been for a period of two years. That period ends on June 30, 2004. I would have assumed that I would receive a phone call to discuss what that all means. Whether or not that would be an invitation to continue--and certainly that would be a matter to entertain--I may or may not consider to do so. But I think that benefit should be offered to a person who serves in a capacity such as this. Others have not been given the same kind of opportunity to express themselves. And, while we make policy and set policies that governs the land use of this community, we need to realize, that there are those in this community who are from certain economic and ethnic groups who do not have the capability, nor the strength of power nor resources available to them, to be as aggressive as those who have that. There is no one to speak on their behalf. No one to actually promote and forward their needs. Those who got, get more. And those who have not, get even less.
- I am less than impressed by the leadership of the City and this current administration. Based on that, I cannot in good consciousness, nor from moral feelings that are good, continue to serve. And therefore, at the end of this Commission Comment period today I offer my resignation. I am asking you to deliver my resignation to the

administration, and that resignation is effective at the close of this Commission's Comment period.

- If by chance any comments that I made, or reflections, are unwanted, wrong, inconsistent or less than true, I both challenge and encourage the Mayor of this City to demonstrate actions to the contrary.

C. DIRECTOR'S REPORT

9. Director's Announcements
None

10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
BoA: None

BoS:

- Last Tuesday, June 22, 2004, the Finance Committee heard the fee adjustment legislation that was before this Commission the previous Thursday. The Board heard it with the Planning Commission recommendations. They adopted the ordinance with the following change: You had approved a \$300.00 Discretionary Review fee, and a surcharge of \$72.00 on permits over \$10,000. Because any increases in fees, would require additional notice, the Finance Committee could not adopt that increase in fees. Similarly, to conform hourly fees to the \$100.00 fee that you requested.
- Supervisor Peskin recommended dropping the \$300.00 Discretionary Review fee to \$190.00 with the surcharge increased to \$183.00. [We] supported the idea [because] if we dropped the DR fee we have to increase the DR surcharge, and we already requested an increase in the DR surcharge to cover the smaller projects.
- The full Board adopted most of the Commission's suggestions and, [he] believes, adopted the minor fee changes that have been advertised.
- Wednesday, June 23, 2004, at the Budget Committee, we received Budget Analysts recommendations on the weekend, and had a serious of discussion with him. We are largely in agreement with the changes. However, we still need to work some things out. The recommendations are: to delete 6 vacant FTE that would save us \$411,000. We believe there is a miscommunication on what the vacant positions are.
- The Budget Analyst wanted to delete one Planner IV -- we agreed with that, and the Budget Committee did make that motion to delete. The Budget Analyst recommended that we modified our [salary] savings to reflect the fact that the new hires won't be until October.

D. REGULAR CALENDAR

11. 2004.0504T (J.P. SAMAHA: (415) 558-6602)
COST RECOVERY FEES - Consideration of an Ordinance to amend the Planning Code by adding Section 358 to impose a fee surcharge for projects in certain areas to recover the City's actual costs in developing an area plan, specific plan, or rezoning study or preparing a programmatic environmental document for that area; amending the San Francisco Administrative Code by adding Section 10.100-370 to establish a special fund to receive the cost recovery fees and other moneys and to fund the development of future area plans, rezoning studies and programmatic environmental documents; and adopting Planning Code Section 302 findings; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
Preliminary Recommendation: Approval

SPEAKER (S)
Steve Vettel

- Very much in support for this ordinance.
- Thinks it is the logical way to acquire funds.

- On behalf of a lot of people in the development community, I would like to thank you.

ACTION:

Approved as amended:

Section 1, (b) ...area plans, specific plans, rezoning studies and associated environmental review documents, add, "Completed after the effective date of this ordinance."...

Section 1, (b), (iii) add "and Downtown Neighborhoods Initiative."

Section 1, (b), (iv): Re-write the section to read: Plans and rezoning adopted under the Department's Better Neighborhoods Program, including but not limited to the Market and Octavia, Central Waterfront, Geary Blvd. and Balboa Park Plans.

Section 1, (c), (ii) Replace "divided by the total gross square footage of development potential" by "divided by the total gross footage of the maximum build out alternative".

Section 3, (b), Replace

AYES:

Bradford-Bell; Antonini, Hughes, S. Lee; W. Lee

RESOLUTION NO.

16822

12. 2003.1028E

(J.A. KUGLER: 558-5983)

3150 18TH STREET - Lots 002 and 012 of Assessor's Block 3573, northwestern corner of 18th Street and Treat Avenue - **Appeal of Preliminary Negative Declaration** for the proposed project would involve the demolition of a set of two-story light industrial office and warehouse buildings with six off-street parking spaces and construction of a five-story building consisting of approximately 260 units of rental workshops for arts activities, light manufacturing, repair and small business services uses and a single caretaker's unit. The total floor area of the new building would be about 73,224 gsf. The second through fifth floors would be set back between approximately 12 and 16 feet over the 13-1/2 foot tall podium of the ground floor. The proposed building would be approximately 50 feet tall. Pedestrian access would be provided from Treat Avenue while vehicular access would be provided from 18th Street to a ground level garage with 50 off-street parking spaces, a single loading space and six bicycle spaces. The project site is in an M-1 (Light Industrial) Zoning District, and a 50-X height and bulk district. It is also within the Eastern Neighborhoods study area.

Preliminary Recommendation: Uphold Preliminary Negative Declaration.

(Continued from Regular Meeting of May 13, 2004)

SPEAKER (S):**Kelly Saranger, Appellant**

- Our community is not against this project.
- What we are opposed to is the potential for negative environmental effects because of the massive scale and size of this building.
- There are 130 cubicle spaces, which are intended for various artists to use, pointed directly toward our building, which is a live-work space. We are there 24/7, and there is the potential for air and water pollution because of these non-ventilated units as the current design suggests. The only ventilation for these units is the window that is pointed toward us. So we would assume that there would be fans that could blow fumes into our community.
- Also concerned about the noise and traffic.

Bruce Cree, Appellant

- There will be negative environmental impacts.
- The area where we are living is changing. It is his opinion that if there are going to be more buildings, they should be built with the character of the existing building.
- It is a very massive building.
- We as a community are not in favor of this kind of building.

Steve Vettel, representing Project Sponsor

- There is not a need for an EIR.

- This project is located in a PDR area.
- Parking is more than adequate to meet the demand credit by this project.
- Urged the Commission to uphold the Negative Declaration.

Jillian Jerome

- I am speaking to you as the Chief gardener of the Box Factory.
- Should this project be constructed, it will cause serious damage to the garden.
- It is my opinion that the proposed project be submitted for an extensive EIR.

Michael Woo

- I am here to speak about concern for the air quality.
- Feels that they are going to build too many units.

Christina (last name unclear)

- Concerned about safety and health
- There is a huge brick wall that separates the Box Factory and the new project
- This wall provides a lot of security and makes her place safe.
- Fumes would be coming toward our place.

Ron Sland

- His main concern is the size of the building, noise, pollution, fumes, and shadowing.

ACTION: Preliminary Negative Declaration upheld

AYES: Bradford-Bell; Antonini; Hughes; S. Lee; W. Lee

MOTION NO. 16823

13. 2004.0480C (M. LI: (415) 558-6396)
1400-1424 GRANT AVENUE - northeast corner at Green Street, Lot 019 in Assessor's Block 0115 - **Request for Conditional Use Authorization** to add live entertainment, defined as Other Entertainment pursuant to Section 790.38 of the Planning Code, to an existing small self-service restaurant (dba "Magnet") within the North Beach Neighborhood Commercial District and a 40-X Height and Bulk District. There will be no physical expansion of the existing building.
 Preliminary Recommendation: Approve with conditions

SPEAKER (S):**Mike Eaglesen, Project Sponsor**

- Trying my best to make my business profitable. That is why I am making a request for Conditional Use.
- Everyone who patronizes our establishment would like us to have some kind of entertainment.
- We are a coffee shop/restaurant. We serve Russian food and pastries. We are not a dance club.
- It is very hard to compete with the rest of the restaurants in the North Beach area.
- If we do not add to our establishment, we will simply be driven out.

Brad Willmore, Telegraph Hill Dwellers.

- Adamantly opposed to this application.
- Their liquor license is a type 41 that is specifically for a restaurant. What we have is a bar--a techno bar. They are not open for breakfast. They are not open for lunch. They are not always open for dinner. In fact, they are not open most days of the week. They are open on Thursday, Friday and Saturday nights to skim the high value dollar traffic off of the bridge, tunnel, and BART crowd that come in to the Broadway Business District as well as the Grant Avenue Business District.
- The Project Sponsor severely misrepresented his intentions when he appeared before our committee to get support/approval for a restaurant, and then shoe-horn that into a bar

Derek

- Opposed project

Alex

- Spoke in favor of the project

(Speaker's name was unclear)

- Supports the project
(Speaker's name was unclear)

- Supports the project

ACTION: Approved with conditions as amended:

CHANGED:

Condition of Approval No. 2

The authorization granted herein shall be valid for a period of eighteen (18) months from the date of the adoption of Motion No. 16824 and shall become null and void after that time if the police permits or other required permits have not been obtained.

ADDED:

Non-transparent window coverings shall not be used.

The establishment shall operate as a restaurant in compliance with the Department of Alcoholic Beverage Control requirements for a Type 41 license.

AYES: Bradford-Bell; Antonini; S. Lee; W. Lee

NAYES: Hughes

MOTION NO. 16824

14. 2003.0375C (M. SNYDER: (415) 575-6891)
274 BRANNAN STREET - north side between 1st Street and 2nd Street, Lot 73 in Assessor's Block 3774 - **Request for Conditional Use authorization** under Planning Code Section 818.73 and 227(h) to install seven antennas on the rooftop and related backup equipment on the property, as a part of a wireless transmission network operated by Verizon Wireless. The site is within an SSO (Service / Secondary Office) District, a 50-X Height and Bulk District, and the South End Historic District. Pursuant to the WTS Facilities Guidelines, the project is a Preference 2 Location Site, a co-location site.
 Preliminary Recommendation: Approve with conditions

SPEAKER (S)

Jason Smith, Verizon Wireless

- Gave a general description of the project.
- The project will potentially provide enhanced emergency response from police, fire and paramedic services.
- This project meets all applicable Planning Code sections as they relate to necessity and desirability and well as the WTS Guidelines.
- Architecturally, the project is being designed comparable with the existing building with minimum visual impact.

ACTION: Approved

AYES: Bradford-Bell; Antonini; S. Lee; W. Lee

ABSENT Hughes

MOTION NO. 16825

15. 2004.0438C (M. SNYDER: (415) 575-6891)
3231 MISSION STREET - east side between Fair Avenue and Virginia Avenue, Lot 44 in Assessor's Block 5615 - **Request for Conditional Use authorization** under Planning Code Section 781.5 to establish a small self-service restaurant (as defined by Planning Code Section 790.91) within the Mission Street Fast-Food Subdistrict. The restaurant is proposed to be name "Botana"; it would not fall under the definition of "formula retail" of Planning Code Section 703.3(b). The subject site is within the NC-3 (Neighborhood Commercial – Moderate Scale) District, a 40-X Height and Bulk District and the Mission Street Fast-Food Subdistrict.
 Preliminary Recommendation: Approve with conditions

SPEAKER (S):

Harlan Cauffman

- Spoke in favor of the project

ACTION: Approved with conditions as amended:

2. This authorization does not include any expansion of the restaurant use, or the establishment of any other use with the proposed ground floor addition approved under Building Permit Application No. 2004.05.20.4334. Any expansion into that space, or any new established use in that space other than retail (Other Retail and Service as defined by Planning Code Section 790.102) shall require separate Planning Department review and approval, including Conditional Use authorization if required by Code, and shall be subject to any notification requirements in effect at that time.

AYES: Bradford-Bell; Antonini; S. Lee; W. Lee

ABSENT: Hughes

MOTION NO. 16826

16. 2002.1255C (M. SMITH: (415) 558-6322)
2191 MARKET STREET - south side between 15th and Sanchez Streets, Lot 137 in Assessor's Block 3558 - **Request for Conditional Use Authorization** under Planning Code Section 721.83 by Verizon Wireless to install (3) antennas on the rooftop and associated equipment cabinets within the basement of a mixed-use building located in the Upper Market Street Neighborhood Commercial District and 50-X Height and Bulk District. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Limited Location Preference 6 site as it is a building within an Individual Neighborhood Commercial District (Upper Market).

Preliminary Recommendation: Approve with conditions

SPEAKER (S):**Jason Smith – Verizon Wireless**

- The project will provide reliable voice and data transmission services in the City and County of San Francisco.
- The project will potentially provide enhanced emergency response from police, fire and paramedic services.
- The project will maximize communication services while minimizing impacts on municipal services.
- This project will provide the elimination of fading, dropped calls, and poor reception in the Twin-Peaks. /Castro District.

Philip Colgan

- Opposed to the installation of antennas.
- The garage where the equipment is proposed to be has been broken into four times in the last two years.
- Security is very inadequate.
- As homeowners we would see an increase in insurance costs based on this equipment and other matters.
- I'm also concerned about health issues.

Michael Yeo

- Opposed to the antenna's installation.

Leo Medeiros

- Addressed the issue of property values.

Barry Cornelius

- He is one of the owners of the property where these antennas will be installed.
- Concerned about the health hazards.
- There will be fire code violations. The Fire Department water supply is located just outside the store that they are proposing to keep locked.

Roger Gillespie

- Concerned about safety, particularly the platform itself. It is not properly sound to contain six air conditioning units.

Dr. Rachelle Ferraro

- Concerned about health.
- This will really affect the value of her business.

Rafael Mandelman

- In favor of Verizon's application. All condo owners received notice that there will be these cell phone antennas on the top the building prior to their purchase.

William Gravitt

- In favor for the antenna application.

Jim Lauferberg

- Every purchaser was notified that these antennas were going to be installed.
- Urged Commission to approve the project.

ACTION: Approved

AYES: Bradford-Bell; Antonini; Hughes; S. Lee; W. Lee

MOTION NO. 16827

17. 2003.1099C (M. SMITH: (415) 558-6322)
1601-1611 NORIEGA STREET - south side between 23rd and 24th Avenues, Lot 051 in Assessor's Block 2060 - **Request for Conditional Use Authorization** under Planning Code Section 711.83 by Nextel to install three (3) antennas on the rooftop and associated equipment within the basement of a mixed-use building located in a NC-2 (Small-Scale Neighborhood Commercial District) and 40-X Height and Bulk District. Per the City & County of San Francisco's Wireless Telecommunications Services (WTS) Facilities Siting Guidelines the proposal is a Preferred Location Preference 5 site as it is a mixed-use building within a high-density (NC-2) district.
 Preliminary Recommendation: Approve with conditions

SPEAKER(S):

Bill Stevens, Nextel

- Gave an overall description of the project

Ilene Boken

- Opposes the project.
- There is a disconnect between the neighbors and Nextel. The neighbors feel that the services are adequate; that additional antennas are not necessary; and that they will create an additional exposure to EMS.
- Nextel, on the other hand, talks about poor coverage in their community outreach brochure.
- There is even a disconnect with Nextel itself. At their retail store at Stonestown, the neighborhood coverage maps that they gave me showed that they have good coverage in the neighborhood.

Edith Higa

- Opposes the installation of the antennas.
- Building has 30 units that are mainly occupied by non-English speaking elderly Russians.
- Notice regarding this hearing was not translated into Russian.
- Concerned about health hazards.

Connie Wong

- Opposed installation.
- We do not want too many commercial antennas built in this residential area.
- Asked the Commission to deny this application.

Ellen Cheng

- Opposed to conditional use application for the installation of these antennas.

Raymond Chin

- Please deny application
- Concerned about his health

ACTION: Public hearing closed. Commission passed a motion of intent to disapprove. Final Language July 1, 2004.
AYES: Bradford-Bell; Hughes; S. Lee; W. Lee
NAYES: Antonini

- 18a. 2004.0124DD (M. SMITH: (415) 558-6322)
554 VALLEY STREET - north side between Castro and Diamond Streets, Lot 018 in Assessor's Block 6611 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2003.06.06.6518, proposing to demolish the existing one-story single-family dwelling in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve demolition.
(Continued from Regular Meeting of May 27, 2004)

SPEAKER(S):

Larry McCoy, Discretionary Review Requestor

- The City has already stated that this house is a mistake.
- The project would be much larger than the other houses in the neighborhood.
- It is not in keeping with the character of the neighborhood.
Does not meet the residential guidelines.
- This project is not supported by the neighborhood.

Father Nazarin

- Opposed the demolition.

Beth VanEman

- These houses would be out of character with the rest of the neighborhood.
- This project would destroy the open space character.

Mrs. .Anderson

- Opposed the current proposed project because it is not community comparable development.
- Concerned about health, safety, traffic and noise.
- Urged the Commission to grant the Discretionary Review.

Mr. Anderson

- Concerned about the fire hazard. There are a lot of trees in that area.
- Asked the Commission to deny the demolition application.

Jacqueline Garry

- Opposed the demolition.

Name not stated

- Opposed the demolition.

Betty Wilkison

- There will be a strong negative impact on the neighborhood.

John Sanger, representing Project Sponsor

- The project is consistent with keeping the residential guidelines.
- The entire house has been re-designed. The entire shape and elements of the two houses have been redesigned.
- Reduced the height of the building by 6 feet.
- Reduction in the occupiable square footage from about 3,700 sq. ft. to 3,200 sq. ft. There is an additional 300 or 400 sq. ft. of non-occupyable space in the garage.
- FAR IS 1.17, because these are very large lots. That is a low FAR compared with any other development in the City.

Elizabeth Moore

- Deny the Discretionary Review application.

Mike Murray

- Approve this project as proposed.

Charles Breittinger

- Encouraged this demolition to go forward.

Richy Hart

- Urged the Commission to approve this demolition.

Dave O'keffe

- In favor of the demolition.

Raymond Lyons

- Asked the Commission to approve the demolition

Tamara Galanter

- This project does follow all residential guidelines.
- If the Commission does decide to approve this project, as a condition of approval it could be required that the applicant address the concerns of the neighbors--not just the hours of construction, but also the access to the street. Valley is a very narrow street.

Alice Barkley

- When you start to remodel an existing building, you find that it will cost more per square foot by time you buy it and renovate it. It cost more simply because our housing in the City is very old.
- Labor costs for renovation does not make sense when trying to make a home affordable in the City.

Santos, Structural Engineer

- Gave a general explanation of the soundness report.

Elsie McGee

- Asked the Commission to approve this project.

Joe O'Donoghue

- Spoke in favor of the demolition.

ACTION: Did not take Discretionary Review and approved the demolition.

AYES: Bradford-Bell; Antonini; S. Lee; W. Lee

NAYES: Hughes

- 18b. 2004.0125DD (M. SMITH: (415) 558-6322)
556 VALLEY STREET (aka 554 VALLEY STREET) - north side between Castro and Diamond Streets, Lot 018 in Assessor's Block 6611 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.06.06.6520, proposing to subdivide the lot into two lots and construct a three-story over garage single-family dwelling on the proposed east lot, in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve with modifications.
 (Continued from Regular Meeting of May 27, 2004)

SPEAKER(S): Same as those listed for item 18a

ACTION: Took Discretionary Review and approved per staff recommendation:
 - Construction Management hours: Monday to Fridays from 7:30 a.m. to 5:00 p.m.; and Saturdays with prior notice.

AYES: Bradford-Bell; Antonini; S. Lee; W. Lee

NAYES: Hughes

- 18c. 2004.0126DD (M. SMITH: (415) 558-6322)
558 VALLEY STREET (aka 554 VALLEY STREET) - north side between Castro and Diamond Streets, Lot 018 in Assessor's Block 6611 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of new residential building in association with residential demolition, of Building Permit Application No. 2003.06.06.6522, proposing to subdivide the lot into two lots and construct a three-story

over garage single-family dwelling on the proposed west lot, in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve with modifications.

(Continued from Regular Meeting of May 27, 2004)

SPEAKER(S): Same as those listed for item 18a

ACTION: Took Discretionary Review and approved per staff recommendation:

- Construction Management hours: Monday to Fridays from 7:30 a.m. to 5:00 p.m.; and Saturdays with prior notice.

AYES: Bradford-Bell; Antonini; S. Lee; W. Lee

NAYES: Hughes

ITEM #19 WAS TAKEN OUT OF ORDER AND HEARD AFTER ITEM # 17

19. 2003.0741D (T. TAM: (415) 558-6325)
580 OAK PARK DRIVE - end of Oak Park Drive, a cul-de-sac, 450 feet from the corner of Devonshire Way and Oak Park Drive, located in the Forest Knolls Neighborhood, in a residential enclave between Mount Sutro and the Laguna Honda Reservoir, Lot 30 in Assessor's Block 2676 - **Request for Discretionary Review** for Building Permit Application No. 2002.12.04.2261, proposing to construct a new three-story-over-garage, single-family dwelling in an RH-1(D) (Residential, House, One-Family, Detached) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and approve the project with modifications.

(Continued from Regular Meeting of April 22, 2004)

Note: On March 11, 2004, the Commission heard a staff report and received public testimony. Following the Commission's deliberation, they continued this matter to April 1, 2004, instructing the project sponsor to meet with neighbors and directed the Director of Planning to report back to them on the soil conditions. Public Comment Remains Open. On April 1, 2004, this item was continued to April 22, 2004.

Note: On April 22, 2004, the Commission continued the matter to June 24, 2004.

SPEAKER(S):

Larry Paul, Architect representing the DR requestor -

- We agree to the four-story project. It should have a setback of 15 feet in accordance with the Residential Design Guidelines.
- The third story should be setback a little bit.
- The adjacent property is only 2 stories.
- The stucco base should be limited to just the first story, and the upper story should have wood siding rather than what is proposed. It would help to meld this project into the character of the neighborhood.
- The rear deck--this is a big issue of privacy
- It does not meet the residential guidelines
- There is definitely a need for a construction management plan to be put into place that would restrict construction just to the weekdays, maybe 8 am to 4 pm.
- There should also be a provision for the parking. This is a very tiny cul-de-sac and there is very little parking on the street.

Christine Hansen

- Does not object to the building of this house.
- The issue is the project sponsor's non-response. We have constantly been ignored.
- The property is on a cul-de-sac and we have concerns about the tightness of the area.
- Concerned about the parking, garage access, construction time, etc.

- Asked for no construction on the weekends.

David Pelavin

- Concerned about his privacy.
- Project sponsor should retain the services of an arborist.
- Concerned about the construction management.

-Jackie Pelavin

- Concerned about the preservation of the trees,
- Also concerned about privacy.
- Building scale form design guidelines states specifically that the design and scale of building be comparable with the heights and depth of surrounding buildings.

Charles Cunningham

- Opposed to the construction of this project.
- Concerned about preservation of the trees.

John Gray

- This project is going to affect a lot of properties in the area.
- Concerned about safety.
- This building will be out of proportion.

Alice Barley, Representing Project Sponsor

- Gave a description of the project.

Joe O'Donoghue

- This project will be a great asset to this neighborhood.

ACTION: Approved as amended:

- 1) To present a better visual transition between the two building types: two-story, single-family detached dwellings, on down-sloping lots on the west side of Oak Park Drive and three- and four-story, single-family detached dwellings on up-sloping lots on the east side of Oak Park Drive, provide a 15-foot setback on the third floor (top level) at the front of the building;
- 2) To be consistent with the neighborhood character, install stucco work only at the base of the building (garage level) and horizontal wood siding at the first, second, and third floors (top three levels);
- 3) To ensure maximum privacy to the neighboring houses at 590 Oak Park Drive, provide screening and privacy mechanism for the deck above grade (first floor);
- 4) To ensure quiet time for existing residents and safety of children playing in the cul-de-sac, limit the hours of construction from 8:00 a.m. to 5:00 p.m. Monday through Fridays only; and
- 5) To add more visual and architectural interest, provide 3 inch reveals for all windows visible from the public street.

AYES: Bradford-Bell; Antonini; Hughes; S, Lee; W. Lee

20. 2004.0299DDD (S. VELLVE: (415) 558-6263)
2011 9TH AVENUE - west side between Pacheco St. and Mendoza Ave., Lot 001P in Assessor's Block 2129 - **Request for Discretionary Review** of Building Permit Application 2003.07.31.0919, proposing to construct a one-story vertical addition to the existing one-story over ground/garage, single-family dwelling located in an RH-1 (House, One-Family) District and a 40-X Height/Bulk District.

Preliminary Recommendation: Take Discretionary Review and approve with modifications.

SPEAKER(S):

Eleanor Roman, Representing Project Sponsor

- Asked the Commission to have this item continued to July 22, 2004.

ACTION: Without a hearing, continued to July 22, 2004.

AYES: Bradford-Bell; Antonini; Hughes; S, Lee; W. Lee

21. 2004.0360DD (R. CRAWFORD: (415) 558-6358)
1422 45TH AVENUE - East side between Judah and Kirkham Streets. Assessor's Block 1807 Lot 026 - **Request for Discretionary Review** of Building Permit Application No. 2004.02.04.5540, to construct horizontal and vertical additions to the existing one family dwelling including new second and third floors in an RH-1 (Residential House, One Family) District, and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications

SPEAKER (S)

Recina Wong – Discretionary Review Requestor

- The subject project is too tall.
- Such tall buildings do not fit within the neighborhood.
- Also concerned about her privacy, noise and pollution.

Angel Hong – Discretionary Review Requestor

- The proposed project scale is not comparable with the rest of the neighborhood.
- Concerned about her privacy.
- Parking has always been a major issue.

Joseph Corderio

- Supports Discretionary Review.

Dennis Budd, Project Sponsor

- Majority of the homes in our neighborhood are two-stories, averaging 22' to 25' in height at the street façade.
- There are 4 large trees in the area of the backyard where Planning had recommended we do a horizontal addition.
- A horizontal addition would require twenty-five lineal feet of 6' high retaining wall on both property lines.
- A horizontal addition would eliminate the light, air and rear-yard views from our current kitchen and family room.
- We have signatures of support from 24 neighbors
- We have reviewed the published Residential Design Guidelines and find that our project conforms in the following ways:
 - o Providing mixed visual character and architectural style
 - o Providing setback height
 - o Minimizing impacts on light and privacy
 - o Preserving the lot and block pattern
 - o Maintaining mid-block open space

ACTION: The Commission stated that the top story was unacceptable and directed the sponsor to explore options that would eliminate the top floor and find another location for the displaced floor area. The matter was continued to September 23, 2004 by a vote +5 –0.

AYES: Bradford-Bell; Antonini; Hughes; S, Lee; W. Lee

22. 2004.0460DDD (G. CABREROS: (415) 558-6169)
1158 HAIGHT STREET - north side between Baker and Lyon Streets; Lot 012 in Assessor's Block 1235 - **Requests for Discretionary Review** of Building Permit Application No. 2003.11.26.1230, proposing to construct a new fourth floor and rear egress stairs to an existing three-story, four-unit building in an RH-3 (Residential, House, Three-family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.

ALL DISCRETIONARY REVIEW APPLICATIONS WERE WITHDRAWN

SPEAKER (S): None

ACTION: None

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

None

Adjournment: **9:34 P.M.**

THESE MINUTS ARE PROPOSED FOR ADOPTION AT THE REGULAR MEETING OF THE PLANNING COMMISSION ON THURSDAY, FEBRUARY 17, 2005.

SPEAKERS: None

ACTION: Approved

AYES: Alexander, Antonini, Bradford Bell, Hughes, S. Lee, W. Lee, Olague

23462

